



ATTACHMENT B

SELF EVALUATION

Self-Evaluation Findings

Accessibility Consultants Incorporated (ACI) conducted a thorough review of the City of Lincoln's municipal code version 1.01.110 which brings the Code up to date through Ordinance 915B, passed July 12, 2016. In addition, we provided questionnaires to staff representatives of 13 various departments within the City. Questionnaires covered the following topics:



Service Animals
Building Construction
Access to Social Services
ADA Coordinator
Correctional Facilities
Contractors
Effective Communication
Training
Emergency Management
Transition Plan
Signs



Ticket Sales
Self-Evaluation
Maintenance of Accessible
Features
Notice
Leased Buildings
Historic Preservation
Emergency Telephone Services
Grievance Procedure
Program Access

The 3 "P's"

To truly evaluate the City, we need to look at the Policies, Procedures, and Practices. It is best to define the three P's.

Policy

A policy is the course or principal adopted or proposed by a government.

i.e. – The City of Lincoln does not tolerate discrimination of individuals with disabilities.

Procedure

A procedure is how the agency plans to adopt a policy in its daily activities.

i.e. – As the City does not tolerate discrimination of individuals with disabilities; we intend to adopt the following procedures in our daily activities.

Practice

This is the reflection of what is actually being enacted daily by the City staff

i.e. – Is the City staff actually implementing this policy or procedure into their daily routine?

Methodology

ACI staff reviewed the information identified above to see what of the City's Policies, Procedures, and Practices ensure that the City's policy is to not tolerate discrimination of individuals with disabilities. By executing a contract to make this evaluation the City, proves that it wants to enact this policy. By reviewing the municipal code, we are able to further evaluate the City's Policies and procedures. Through our questionnaires we can gauge not only the City's awareness of their policies and procedures, but also how they are practiced on a daily basis.

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Municipal Code Findings

ACI representatives reviewed the municipal code in full to gather information to determine if any of the policies as enacted by the City could undoubtedly make cause for discrimination of individuals with disabilities. Through our review, no policies were written that were intended to discriminate individuals with disabilities. There were some policies that did not include ADA provisions. That leads us to believe that this was not an omission of intention, but simply lack of awareness. The following recommendations are intended to help assist the City's inclusion of greater awareness and ADA provisions within their municipal code.

1.20.030 - Service procedures.									
1)	Personal Service. In any case where an administrative citation is issued:								
a.	The enforcement officer shall attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation;								
b.	If the responsible person served refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or of subsequent proceedings.								
Recommendation									
It is recommended that should there be a need for service of Citation is required, a process should be incorporated that allows for notice to be provided in an alternate format if needed. This can include options such as large print, braille or alternately a recording of the notice.									
1.20.050 - Satisfaction of administrative citation.									
Upon receipt of a citation, the responsible person must do the following:									
(1)	Pay the fine to the city within 15 days from the correction date of the administrative citation. All fines assessed shall be payable to the Lincoln finance and administrative services department. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the city.								
Recommendation									
It is recommended that should the City require additional administrative time to provide an alternate format, that time shall be added to the time necessary to pay any applicable time.									

1.20.080 - Hearing procedure.							
(g)	If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer(s) for consideration at the hearing, then a copy of this report also shall be served by mail on the person requesting the hearing at least five days prior to the date of the hearing.						
(h)	At least ten days prior to the hearing, the recipient of an administrative citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the enforcement officer. No other discovery is permitted. Formal rules of evidence shall not apply.						
	Recommendation						
<i>It is recommended that a provision be included that should any previous request for alternate format be made that all evidence, ruling or subsequent information be automatically provided by the City be in the same format. With any time sensitive documentation, an individual with disabilities should not be penalized or lose their code mandated time due to a request for alternate format.</i>							
2.36.080 - Emergency plan.							
	The disaster council shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency, and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council.						
	Recommendation						
<i>While it does not exclude provisions surrounding the ADA, there is an extensive supply of information regarding Emergency Management as provided by ADA.gov. It is highly recommended that the disaster council review the information that has been provided to assist in assuring that all individuals with disabilities receive the same disaster relief assistance as those that do not. Attached as Attachment C1 is a sampling of various resource materials to better assist the City in preparing for emergency management.</i>							
2.40.040 - Competitive service.							
	Except as provided below, all employees employed on a continuous basis shall be included in the competitive service, and following the probationary period defined within the personnel rules, shall be disciplined only for cause.						
	Recommendation						
<i>It is recommended that a clause be added that no individual shall be penalized or disciplined for issues having to deal with a disability or immediate family member with a disability. This will include requesting time off to attend treatments, medical appointments, or administering medications, etc.</i>							

5.16.020 - Permit required.							
It is unlawful for any person, persons, corporations, organizations, landowner, tenant or lessee to allow, permit, encourage, organize, promote, conduct or advertise any entertainment, game, show, exhibition, activity, amusement, gathering or assembly of persons within the city, where there will be presented outdoor live or recorded musical entertainment which the person, persons, corporation, organization, landowner, tenant or lessee believes or has reason to believe will attract 500 or more persons, unless a valid city permit is first obtained for the conducting and operating of such activities. A separate permit is required for each activity.							
Recommendation							
<i>it is recommended that included in the permit process that ADA requirements are included in the proposal and execution of any outdoor festival. This includes the inclusion of restroom options, parking, path of travel, ticket sales, etc.</i>							

5.20.090 - Use of and construction on public ways. (Cable TV Franchises)							
Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a cable television system in the city, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street, such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers and appliances, attachments and other property as may be necessary and appurtenant to the cable television system; and, in addition, so to use, operate and provide similar facilities or properties rented or leased from other persons, firms or corporations, including but not limited to any public utility or other grantee franchised or permitted to do business in the city.							
Recommendation							
<i>It is recommended that the City ensure that any work completed within streets or the by way of the City's Public rights of follow construction zone and proper road closures as outlined by the ADA.</i>							

5.20.520 - Nondiscrimination—Affirmative action.							
(a) In the carrying out of the construction, maintenance and operation of the cable television system, the grantee shall not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin.							
Recommendation							
<i>All references to discrimination should also include discrimination based on disability.</i>							
(b) The grantee shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection of training, including apprenticeship.							
Recommendation							
<i>All references to discrimination should also include discrimination based on disability.</i>							

(d)	The grantee shall, in all solicitations, or advertisements for employees placed by or on behalf of the grantee, state that all qualified applicants shall receive consideration for employment without regard to race, creed, color, sex or national origin.						
	Recommendation						
	<i>All references to discrimination should also include discrimination based on disability.</i>						

5.36.520 - Discrimination in service provided.							
	No licensee shall deny service, deny access or otherwise discriminate against customers on the basis of race, sex, sexual preference, gender, national origin, religion or political affiliation.						
	Recommendation						
	<i>All references to discrimination should also include discrimination based on disability.</i>						

6.04.010 - Definitions. (Animals)							
	Recommendation						
	<p><i>The definition of service animal should be included in the definitions under animals "Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition." per CFR 28 §35.104</i></p>						

12.04.040 - Warning signs and barriers.							
(a)	Whenever the construction, installation or repair of streets, sidewalks, driveways, curbs or gutters requires the temporary occupancy of any portion of a public street, roadway or sidewalk, the permittee shall provide and maintain suitable warning signs, fences, barriers and lights as may be necessary to reasonably warn the public of any hazard and to prevent accidents.						
	Recommendation						
	<i>This should include advance notice to the public to allow individuals with disabilities the ability to find alternate routes as necessary.</i>						

CHAPTER 12.14 - CURB AND GUTTER INSTALLATION						
The city council finds and determines that:						
(1)	There are currently existing within the city residential, commercial, and industrial lots the frontages of which do not have curbs and gutters constructed thereon.					
(2)	The addition of curbs and gutters to residential, commercial and industrial lots will substantially aid the proper channelization of storm runoff, thus aiding in the removal of puddles and standing water which are breeding grounds for mosquitoes, improve road conditions on city streets, and enhance the appearance of said areas within the city.					
(3)	There is presently no mechanism for the uniform installation of curbs and gutters along the frontage of residential, commercial, and industrial lots within the city.					
	Recommendation					
<p><i>Per the Joint Technical Assistance which states that "[r]esurfacing is an alteration that triggers the requirement to add curb ramps if it involves work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling." This is a requirement that has been supplemented by the Department of Justice. Attached as Attachment C2, ACI has attached the questions and answers as provided by the DOJ, to assist when determining if Curb and Gutter installation is necessary.</i></p>						
12.20.080 - Animals in city parks.						
(B)	Dogs are allowed in parks if restrained on a maximum ten-foot leash under immediate control of the custodian of the dog; however, a dog is never allowed within 100 feet of a city constructed playground area intended for children.					
	Recommendation					
<p><i>The exclusion of this rule shall be a service animal as defined by 6.04.010 - Definitions. (Animals)</i></p>						
(C)	It is unlawful for any person owning or having control or custody of any dog to permit the animal to defecate upon the public property of this city or upon the private property of another unless the person immediately removes the feces and properly disposes of it. A suitable container or other suitable instrument for the removal and disposal of the dog feces must be carried at all times. Handicapped persons who use seeing-eye dogs are exempt from this section.					
	Recommendation					
<p><i>By using the terminology "seeing-eye dogs" the potential of eliminating many other service animals. It is recommended that this be replaced by "Service animal as defined by 6.04.010 - Definitions. (Animals)</i></p>						

18.44.030 - Residential uses. (Parking and Loading Areas)							
Recommendation							
<i>It is recommended that requirements for adding disabled parking spaces for facilities identified in subsections (2) - (6)</i>							
18.44.250 - Handicapped spaces.							
Provision of handicapped parking stalls shall be determined as follows:							
Total No. of Spaces		No. of Handicapped Spaces					
0—100		1 plus 1 for each 40 or fraction thereof					
101—200		4 plus 1 for each 80 or fraction thereof over 120					
Recommendation							
It is recommended that the number of accessible parking spaces be the numbers identified by the 2016 California Building Code, Chapter 11B as detailed below:							
Table 11B-208.2							
Parking Spaces							
Total No. of Spaces provided in parking facility				Minimum # of required accessible spaces			
1 to 25				1			
26 to 50				2			
51 to 75				3			
76 to 100				4			
101 to 150				5			
151 to 200				6			
201 to 300				7			
301 to 400				8			
401 to 500				9			
501 to 1000				2% of total spaces			
1001 and over				20, plus 1 for each 100, or fraction thereof, over 1000			

CHAPTER 18.47 - REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES							
18.47.010 - Purpose.							
This section provides a procedure to request reasonable accommodation for persons with disabilities seeking access under the Americans with Disabilities Act, Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies, procedures, and project entitlement exhibits or conditions of approval.							
18.47.030 - Application requirements.							
Application requests for reasonable accommodation shall be submitted as a written request to the development services director or his/her designee (alternative submission formats may be approved by the development services director or his/her designee should a written application be unduly burdensome). All requests shall include the following information:							
Recommendation							
<i>It is recommended that the City's ADA Notice regarding discrimination contain this information.</i>							

Questionnaire Findings

Service Animals

Of the people analyzed there were 14 questions used to gauge awareness of the City's policy regarding Service Animals. Questions ranged from signs or warnings which prohibit entrance of animals into your department or agency to what may be asked of an individual. The answers to each of the questions are outlined below:

Does your department/division have any signs or warnings which prohibit the entrance of animals into your department or agency?	Does the department or agency have a policy in place that allows for the entrance of a service animal?	Does the department/division have a policy to allow for the use of miniature horses by an individual with a disability?	Does this policy allow for individuals which require a service animal be allowed to enter all areas where the public is allowed to enter?	Does the department/division's policy allow a representative to ask whether an animal qualifies as a service animal?
Response	Response	Response	Response	Response
No	I don't know	No	I don't know	I don't know
No	I don't know	I don't know	I don't know	I don't know
No	No	No	No	No
No	Yes	I don't know	Yes	No
No	I don't know	I don't know	I don't know	I don't know
No	No	No	No	I don't know
No	Yes	Yes	Yes	Yes
No	Yes	I don't know	I don't know	I don't know
No	I don't know	I don't know	I don't know	I don't know
No	I don't know	I don't know	I don't know	I don't know
No	Yes	I don't know	Yes	No
No	I don't know	I don't know	I don't know	I don't know
No	No	No	I don't know	No

Q6. Does the policy allow a representative to request any of the following information: (Select all that apply)		
Answer Choices	Response Percent	Responses
Formal documentation for the animal	0.0%	0
If the animal is required due to a disability	0.0%	0
Individuals medical documentation	0.0%	0
Information detailing the individuals disability	0.0%	0
Proof of animals ability to perform task or work	0.0%	0
Training certification or licenses	0.0%	0
What task the animal is trained to perform	20.0%	1
Other (please specify)	80.0%	4
** all other answers said "I don't know"	Answered	5
	Skipped	8

Q7. Does the policy discuss when it is ok to exclude a service animal?		
Answer Choices	Response Percent	Responses
Animal is providing emotional support for someone with a Post-Traumatic Stress Disorder	0.0%	0
If the size of the animal (miniature horse) is too large	20.0%	1
The animal is not housebroken	0.00%	0
The animal is not under control	20.0%	1
The service animal's presence will compromise legitimate safety requirements (i.e. surgical room)	0.0%	0
Other (please specify)	80.0%	4
** all other answers said "I don't know"	Answered	5
	Skipped	8

If the animal is properly excluded, may the individual with a disability be provided opportunity to participate in the service, program, or activity?	When another patron or individual has an allergy or fear of a service animal, does the department have a policy in place to address another individuals' concern?	Does the Department/Division have a surcharge for any animal that comes into the department/division?	Does the department waive any fee or surcharge for any service animal?
Response	Response	Response	Response
I don't know	I don't know	I don't know	
I don't know	I don't know	I don't know	I don't know
I don't know	No	No	No
I don't know	I don't know	I don't know	I don't know
I don't know	I don't know	I don't know	I don't know
I don't know	I don't know	I don't know	I don't know
I don't know	I don't know	No	No
I don't know	I don't know	I don't know	I don't know
I don't know	I don't know	No	No
I don't know	I don't know	I don't know	I don't know
Yes	No	No	Yes
I don't know	I don't know	I don't know	I don't know
I don't know	I don't know	I don't know	I don't know

Does the department/division have a policy that ensures that an individual that requires a service animal are not isolated from other individuals at any time?	Does the department/division provide any program or activity that sells or prepares food?	Are service animals allowed in the public area of the program or activity that is preparing/selling food?
Response	Response	Response
I don't know		I don't know
I don't know	No	
No	No	I don't know
I don't know	No	I don't know
I don't know	No	I don't know
I don't know	I don't know	I don't know
I don't know	I don't know	I don't know
I don't know	I don't know	I don't know
I don't know	No	I don't know
I don't know	No	Yes
Yes	No	
I don't know	No	I don't know
I don't know	I don't know	I don't know

Analysis:

Based on the information submitted by the City staff there is little awareness as to how the City is to manage Service Animals. According to ADA.Gov the following information is provided in assistance in how best to handle and manage individuals with Service animals. It is recommended that the City review and work to 1) implement this information into the Citywide policies and procedures, and 2) work to familiarize City employees on a wider platform. See Service Animal information as presented by the U.S. Department of Justice.



ADA

2010 Revised
Requirements

Service Animals

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Overview

This publication provides guidance on the term “service animal” and the service animal provisions in the Department’s revised regulations.

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

How “Service Animal” Is Defined

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

(continued, page 2)

This definition does not affect or limit the broader definition of “assistance animal” under the Fair Housing Act or the broader definition of “service animal” under the Air Carrier Access Act.

Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from that State’s attorney general’s office.

Where Service Animals Are Allowed

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal’s presence may compromise a sterile environment.

Service Animals Must Be Under Control

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal’s presence.

- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

Miniature Horses

In addition to the provisions about service dogs, the Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

**For more information about the ADA,
please visit our website or call our toll-free number.**

ADA Website
www.ADA.gov

To receive e-mail notifications when new ADA information is available, visit the ADA Website's home page and click the link near the top of the middle column.

ADA Information Line

800-514-0301 (Voice) and 800-514-0383 (TTY)
24 hours a day to order publications by mail.

M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time)
to speak with an ADA Specialist. All calls are confidential.

For persons with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged. July 2011



Frequently Asked Questions about Service Animals and the ADA

Many people with disabilities use a service animal in order to fully participate in everyday life. Dogs can be trained to perform many important tasks to assist people with disabilities, such as providing stability for a person who has difficulty walking, picking up items for a person who uses a wheelchair, preventing a child with autism from wandering away, or alerting a person who has hearing loss when someone is approaching from behind.

The Department of Justice continues to receive many questions about how the Americans with Disabilities Act (ADA) applies to service animals. The ADA requires State and local government agencies, businesses, and non-profit organizations (covered entities) that provide goods or services to the public to make "reasonable modifications" in their policies, practices, or procedures when necessary to accommodate people with disabilities. The service animal rules fall under this general principle. Accordingly, entities that have a "no pets" policy generally must modify the policy to allow service animals into their facilities. This publication provides guidance on the ADA's service animal provisions and should be read in conjunction with the publication [ADA Revised Requirements: Service Animals](#).

DEFINITION OF SERVICE ANIMAL

Q1: What is a service animal?

A: Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.

Q2: What does "do work or perform tasks" mean?

A: The dog must be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind her to take her medication. Or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure. Or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

Q3: Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA?

A: No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA. However, some State or local governments have laws that allow people to take emotional support animals into public places. You may check with your State and local government agencies to find out about these laws.

Q4: If someone's dog calms them when having an anxiety attack, does this qualify it as a service animal?

A: It depends. The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.

Q5: Does the ADA require service animals to be professionally trained?

A: No. People with disabilities have the right to train the dog themselves and are not required to use a professional service dog training program.

Q6: Are service-animals-in-training considered service animals under the ADA?

A: No. Under the ADA, the dog must already be trained before it can be taken into public places. However, some State or local laws cover animals that are still in training.

GENERAL RULES

Q7: What questions can a covered entity's employees ask to determine if a dog is a service animal?

A: In situations where it is not obvious that the dog is a service animal, staff may ask only two specific questions: (1) is the dog a service animal required because of a disability? and (2) what work or task has the dog been trained to perform? Staff are not allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person's disability.

Q8: Do service animals have to wear a vest or patch or special harness identifying them as service animals?

A: No. The ADA does not require service animals to wear a vest, ID tag, or specific harness.

Q9: Who is responsible for the care and supervision of a service animal?

A: The handler is responsible for caring for and supervising the service animal, which includes toileting, feeding, and grooming and veterinary care. Covered entities are not obligated to supervise or otherwise care for a service animal.

Q10: Can a person bring a service animal with them as they go through a salad bar or other self-service food lines?

A: Yes. Service animals must be allowed to accompany their handlers to and through self-service food lines. Similarly, service animals may not be prohibited from communal food preparation areas, such as are commonly found in shelters or dormitories.

Q11: Can hotels assign designated rooms for guests with service animals, out of consideration for other guests?

A: No. A guest with a disability who uses a service animal must be provided the same opportunity to reserve any available room at the hotel as other guests without disabilities. They may not be restricted to "pet-friendly" rooms.

Q12: Can hotels charge a cleaning fee for guests who have service animals?

A: No. Hotels are not permitted to charge guests for cleaning the hair or dander shed by a service animal. However, if a guest's service animal causes damages to a guest room, a hotel is permitted to charge the same fee for damages as charged to other guests.

Q13: Can people bring more than one service animal into a public place?

A: Generally, yes. Some people with disabilities may use more than one service animal to perform different tasks. For example, a person who has a visual disability and a seizure disorder may use one service animal to assist with way-finding and another that is trained as a seizure alert dog. Other people may need two service animals for the same task, such as a person who needs two dogs to assist him or her with stability when walking. Staff may ask the two permissible questions (See Question 7) about each of the dogs. If both dogs can be accommodated, both should be allowed in. In some circumstances, however, it may not be possible to accommodate more than one service animal. For example, in a crowded small restaurant, only one dog may be able to fit under the table. The only other place for the second dog would be in the aisle, which would block the space between tables. In this case, staff may request that one of the dogs be left outside.

Q14: Does a hospital have to allow an in-patient with a disability to keep a service animal in his or her room?

A: Generally, yes. Service animals must be allowed in patient rooms and anywhere else in the hospital the public and patients are allowed to go. They cannot be excluded on the grounds that staff can provide the same services.

Q15: What happens if a patient who uses a service animal is admitted to the hospital and is unable to care for or supervise their animal?

A: If the patient is not able to care for the service animal, the patient can make arrangements for a family member or friend to come to the hospital to provide these services, as it is always preferable that the service animal and its handler not to be separated, or to keep the dog during the hospitalization. If the patient is unable to care for the dog and is unable to arrange for someone else to care for the dog, the hospital may place the dog in a boarding facility until the patient is released, or make other appropriate arrangements. However, the hospital must give the patient opportunity to make arrangements for the dog's care before taking such steps.

Q16: Must a service animal be allowed to ride in an ambulance with its handler?

A: Generally, yes. However, if the space in the ambulance is crowded and the dog's presence would interfere with the emergency medical staff's ability to treat the patient, staff should make other arrangements to have the dog transported to the hospital.

CERTIFICATION AND REGISTRATION

Q17: Does the ADA require that service animals be certified as service animals?

A: No. Covered entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry.

There are individuals and organizations that sell service animal certification or registration documents online. These documents do not convey any rights under the ADA and the Department of Justice does not recognize them as proof that the dog is a service animal.

Q18: My city requires all dogs to be vaccinated. Does this apply to my service animal?

A: Yes. Individuals who have service animals are not exempt from local animal control or public health requirements.

Q19: My city requires all dogs to be registered and licensed. Does this apply to my service animal?

A: Yes. Service animals are subject to local dog licensing and registration requirements.

Q20: My city requires me to register my dog as a service animal. Is this legal under the ADA?

A: No. Mandatory registration of service animals is not permissible under the ADA. However, as stated above, service animals are subject to the same licensing and vaccination rules that are applied to all dogs.

Q21: My city / college offers a voluntary registry program for people with disabilities who use service animals and provides a special tag identifying the dogs as service animals. Is this legal under the ADA?

A: Yes. Colleges and other entities, such as local governments, may offer voluntary registries. Many communities maintain a voluntary registry that serves a public purpose, for example, to ensure that emergency staff know to look for service animals during an emergency evacuation process. Some offer a benefit, such as a reduced dog license fee, for individuals who register their service animals. Registries for purposes like this are permitted under the ADA. An entity may not, however, require that a dog be registered as a service animal as a condition of being permitted in public places. This would be a violation of the ADA.

BREEDS

Q22: Can service animals be any breed of dog?

A: Yes. The ADA does not restrict the type of dog breeds that can be service animals.

Q23: Can individuals with disabilities be refused access to a facility based solely on the breed of their service animal?

A: No. A service animal may not be excluded based on assumptions or stereotypes about the animal's breed or how the animal might behave. However, if a particular service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or is not under the control of the handler, that animal may be excluded. If an animal is excluded for such reasons, staff must still offer their goods or services to the person without the animal present.

Q24: If a municipality has an ordinance that bans certain dog breeds, does the ban apply to service animals?

A: No. Municipalities that prohibit specific breeds of dogs must make an exception for a service animal of a prohibited breed, unless the dog poses a direct threat to the health or safety of others. Under the "direct threat" provisions of the ADA, local jurisdictions need to determine, on a case-by-case basis, whether a particular service animal can be excluded based on that particular animal's actual behavior or history, but they may not exclude a service animal because of fears or generalizations about how an animal or breed might behave. It is important to note that breed restrictions differ significantly from jurisdiction to jurisdiction. In fact, some jurisdictions have no breed restrictions.

EXCLUSION OF SERVICE ANIMALS

Q25: When can service animals be excluded?

A: The ADA does not require covered entities to modify policies, practices, or procedures if it would "fundamentally alter" the nature of the goods, services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.

Q26: When might a service dog's presence fundamentally alter the nature of a service or program provided to the public?

A: In most settings, the presence of a service animal will not result in a fundamental alteration. However, there are some exceptions. For example, at a boarding school, service animals could be restricted from a specific area of a dormitory reserved specifically for students with allergies to dog dander. At a zoo, service animals can be restricted from areas where the animals on display are the natural prey or natural predators of dogs, where the presence of a dog would be disruptive, causing the displayed animals to behave aggressively or become agitated. They cannot be restricted from other areas of the zoo.

Q27: What does under control mean? Do service animals have to be on a leash? Do they have to be quiet and not bark?

A: The ADA requires that service animals be under the control of the handler at all times. In most instances, the handler will be the individual with a disability or a third party who accompanies the individual with a disability. In the school (K-12) context and in similar settings, the school or similar entity may need to provide some assistance to enable a particular student to handle his or her service animal. The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal. For example, a person who uses a wheelchair may use a long, retractable leash to allow her service animal to pick up or retrieve items. She may not allow the dog to wander away from her and must maintain control of the dog, even if it is retrieving an item at a distance from her. Or, a returning veteran who has PTSD and has great difficulty entering unfamiliar spaces may have a dog that is trained to enter a space, check to see that no threats are there, and come back and signal that it is safe to enter. The dog must be off leash to do its job, but may be leashed at other times. Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

Q28: What can my staff do when a service animal is being disruptive?

A: If a service animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises.

Q29: Are hotel guests allowed to leave their service animals in their hotel room when they leave the hotel?

A: No, the dog must be under the handler's control at all times.

Q30: What happens if a person thinks a covered entity's staff has discriminated against him or her?

A: Individuals who believe that they have been illegally denied access or service because they use service animals may file a complaint with the U.S. Department of Justice. Individuals also have the right to file a private lawsuit in Federal court charging the entity with discrimination under the ADA.

MISCELLANEOUS

Q31: Are stores required to allow service animals to be placed in a shopping cart?

A: Generally, the dog must stay on the floor, or the person must carry the dog. For example, if a person with diabetes has a glucose alert dog, he may carry the dog in a chest pack so it can be close to his face to allow the dog to smell his breath to alert him of a change in glucose levels.

Q32: Are restaurants, bars, and other places that serve food or drink required to allow service animals to be seated on chairs or allow the animal to be fed at the table?

A: No. Seating, food, and drink are provided for customer use only. The ADA gives a person with a disability the right to be accompanied by his or her service animal, but covered entities are not required to allow an animal to sit or be fed at the table.

Q33: Are gyms, fitness centers, hotels, or municipalities that have swimming pools required to allow a service animal in the pool with its handler?

A: No. The ADA does not override public health rules that prohibit dogs in swimming pools. However, service animals must be allowed on the pool deck and in other areas where the public is allowed to go.

Q34: Are churches, temples, synagogues, mosques, and other places of worship required to allow individuals to bring their service animals into the facility?

A: No. Religious institutions and organizations are specifically exempt from the ADA. However, there may be State laws that apply to religious organizations.

Q35: Do apartments, mobile home parks, and other residential properties have to comply with the ADA?

A: The ADA applies to housing programs administered by state and local governments, such as public housing authorities, and by places of public accommodation, such as public and private universities. In addition, the Fair Housing Act applies to virtually all types of housing, both public and privately-owned, including housing covered by the ADA. Under the Fair Housing Act, housing providers are obligated to permit, as a reasonable accommodation, the use of animals that work, provide assistance, or perform tasks that benefit persons with a disabilities, or provide emotional support to alleviate a symptom or effect of a disability. For information about these Fair Housing Act requirements see HUD's Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-funded Programs.

Q36: Do Federal agencies, such as the U. S. Department of Veterans Affairs, have to comply with the ADA?

A: No. Section 504 of the Rehabilitation Act of 1973 is the Federal law that protects the rights of people with disabilities to participate in Federal programs and services. For information or to file a complaint, contact the agency's equal opportunity office.

Q37: Do commercial airlines have to comply with the ADA?

A: No. The Air Carrier Access Act is the Federal law that protects the rights of people with disabilities in air travel. For information or to file a complaint, contact the U.S. Department of Transportation, Aviation Consumer Protection Division, at 202-366-2220.

For more information about the ADA, please visit our website or call our toll-free number.

ADA Website

www.ADA.gov

To receive e-mail notifications when new ADA information is available, visit the ADA Website's home page and click the link near the bottom of the right-hand column.

ADA Information Line

800-514-0301 (Voice) and 800-514-0383 (TTY)

24 hours a day to order publications by mail.

M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time)
to speak with an ADA Specialist. Calls are confidential.

For people with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged.

July 20, 2015

Building Construction

Of the people analyzed there were 9 questions used to gauge awareness of the City's policy regarding Building Construction. Questions ranged from design, construction, and placement of information onto the City's Transition Plan. The answers to each of the questions are outlined below:

Q1. Does the department/division handle building, design, or construction of any of the following infrastructure: streets, roadways, walkways, buildings, assembly areas, city halls, or any other facility or building that is to be used or maintained by the agency?		
Answer Choices	Response Percent	Responses
Yes	61.54%	8
No	23.08%	3
I don't know	15.38%	2
	Answered	13
	Skipped	0

Q2. Does the department/division follow or review state laws or regulations regarding design, building, or construction?		
Answer Choices	Response Percent	Responses
Yes	69.23%	9
No	7.69%	1
I don't know	23.08%	3
	Answered	13
	Skipped	0

Q3. Does the department/division follow, review any of the following Federal laws to design or construct any new or existing facilities? (Select all that apply)		
Answer Choices	Response Percent	Responses
2010 ADA Standards for Accessible	66.67%	6
UFAS	33.33%	3
Public Right-of-Way Accessibility	44.44%	4
California Building Code Title 24	77.78%	7
Other (please specify)	22.22%	2
**All Other answers were "I don't know"	Answered	9
	Skipped	4

Q4. Does the department or division have a policy that requires the most stringent of the Federal or State laws be followed during the design, building, or		
Answer Choices	Response Percent	Responses
Yes	38.46%	5
No	15.38%	2
I don't know	46.15%	6
	Answered	13
	Skipped	0

Q5. Does the department/division have a policy that requires all new construction comply with all Federal and State ADA requirements.		
Answer Choices	Response Percent	Responses
Yes	61.54%	8
No	7.69%	1
I don't know	30.77%	4
	Answered	13
	Skipped	0

Q6. For any existing construction, does the department/division have a policy that requires it be altered as to ensure it conforms with the Federal and State ADA		
Answer Choices	Response Percent	Responses
Yes	38.46%	5
No	7.69%	1
I don't know	53.85%	7
	Answered	13
	Skipped	0

Q7. For any facility, which becomes acquired by the agency, is there a policy that requires the facility be reviewed and altered to ensure it conforms with the Federal and State ADA requirements?		
Answer Choices	Response Percent	Responses
Yes	30.77%	4
No	7.69%	1
I don't know	61.54%	8
	Answered	13
	Skipped	0

Q8. When modifying existing construction, does the department/division have a policy in place that establishes what areas of accessibility have the highest to		
Answer Choices	Response Percent	Responses
Yes	30.77%	4
No	23.08%	3
I don't know	46.15%	6
	Answered	13
	Skipped	0

Q9. Is this information detailed on your agencies Transition Plan?		
Answer Choices	Response Percent	Responses
Yes	8.33%	1
No	0.00%	0
I don't know	91.67%	11
	Answered	12
	Skipped	1

Analysis:

For the most part, it seems that the employees have a general knowledge as to how the facilities are constructed, evaluated and how it is applied to the ADA. While building construction is a very finite category and very limited departments deal with these details; it is understood that some of the respondents, have little knowledge of how facilities are constructed, evaluated, and managed. Therefore we deduce that the answers of "I don't know" are accurate as they don't deal or manage tasks outside of their own specific job category. While most agencies are required to construct and evaluate facilities according to the California Building Code (CBC), it is anticipated that many of the answers which address accessibility in building construction, are accurate as many of the ADA requirements are built into the CBC section 11B.

Access to Social Services

Of the people analyzed there were 27 questions used to gauge awareness of the City's to guarantee all citizens have the same access to Social Services. Questions ranged alternate formats, identification, and programs. The answers to each of the questions are outlined below:

Q1. Does the department or division provide access to social services or other benefit programs?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	76.92%	10
I don't know	23.08%	3
	Answered	13
	Skipped	0

Q2. Does the department or division require applications to apply for or receive benefits?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	3
	Answered	3
	Skipped	10

Q3. Does the department/division provide applications in alternate formats?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
Other (please specify)	0.0%	0
	Answered	0
	Skipped	13

Q4. Does the department/division provide information to individuals regarding social services or other benefit programs?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	33.33%	1
I don't know	66.67%	2
	Answered	3
	Skipped	10

Q5. Does the department/division provide information in alternate formats?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
Other (please specify)	0.0%	0
	Answered	0
	Skipped	13

Q6. Does any application for social services require identification to apply for or receive social services or other benefit programs?		
Answer Choices	Response Percent	Responses
Yes	33.33%	1
No	0.0%	0
I don't know	66.67%	2
	Answered	3
	Skipped	10

Q7. If an application requires identification such as a driver's license, does the department have a policy in place to accept alternate forms of identification should the individual not be capable of receiving a drivers license due to disability?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	1
	Answered	1
	Skipped	12

Q8. Does your department/division have a policy in place that allows for any individual the opportunity to apply for any social service or other benefit program?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	3
	Answered	3
	Skipped	10

Q9. Does the department/division's staff work with individuals to assist them apply for or receive benefits?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	33.33%	1
I don't know	66.67%	2
	Answered	3
	Skipped	10

Q10. Are there policies in place to ensure staff members are able to effectively communicate with individuals with disabilities?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	33.33%	1
I don't know	66.67%	2
	Answered	3
	Skipped	10

Q11. Typically, what forms of communication are used?	
Answered	1
Skipped	12

Q12. Does the department/division have a policy in place when an individual requests auxiliary aids/services?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	3
	Answered	3
	Skipped	10

Q13. Is notice provided to the public explaining the process to request auxiliary aids/services?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	3
	Answered	3
	Skipped	10

Q14. How is this notice provided to the public?	
Answered	1
Skipped	12

Q15. Does the department/division provide primary consideration to an individual's requests for services?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	3
	Answered	3
	Skipped	10

Q16. What services or aides are readily available to individuals upon request? (Select all that apply)		
Answer Choices	Response Percent	Responses
Qualified sign-language interpreter	0.0%	0
Type to text communication	0.0%	0
Print-outs	0.0%	0
Assistive listening devices	0.0%	0
Live scribe reading pens	0.0%	0
Video remote interpreting (VRI)	0.0%	0
Hand-written notes	0.0%	0
Other (please specify)	0.0%	0
	Answered	0
	Skipped	13

Q17. Does the policy in place that provides services/aids to individuals with a disability include how staff facilitate communication with an individual who has a hearing disability who brings a companion?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	3
	Answered	3
	Skipped	10

Q18. In the event that an individual who has a hearing disability comes in with a hearing companion, does the department/division provide the individual with the option to use a department-provided interpreter?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	3
	Answered	3
	Skipped	10

Q19. Does the department/division allow a companion child to interpret on an individual's request?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	3
	Answered	3
	Skipped	10

Q20. Which program for type-to-text does the department have readily available for use upon request? (Select all that apply)

Answer Choices	Response Percent	Responses
Speech recognition software	0.0%	0
Telephone text messaging	0.0%	0
Word processing programs	0.0%	0
None	0.0%	0
I don't know	100.0%	3
Other (please specify)	0.0%	0
	Answered	3
	Skipped	10

Q21. Is the staff in the department familiar with the procedure when a type-to-text request is made?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q22. What technology does the department's/division's assisted listening devices utilize? (Select all that apply)

Answer Choices	Response Percent	Responses
FM Technology	0.0%	0
Infrared technology	0.0%	0
Inductive loop technology	0.0%	0
None	0.0%	0
I don't know	100.0%	3
Other (please specify)	0.0%	0
	Answered	3
	Skipped	10

Q23. Does the department/division have the assisted listening devices readily available to use upon request?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q24. If no, how long will it take the department to secure the device upon request?

Answered	0
Skipped	13

Q25. Is the staff familiar with the procedures when an assisted listening device is requested (including where to obtain it, how it works, and what is required)

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q26. Is the staff familiar with the Livescribe pens and how to use them, if an individual brought it in to assist with communication?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	2
	Answered	2
	Skipped	11

Q27. Does the department/division have a policy to assist the staff in determining when hand-written notes are appropriate when individuals come in with a hearing disability?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	2
	Answered	2
	Skipped	11

Analysis:

Based on the first question asked of the department representatives no one was aware that as a government agency if they provide social services or other benefit programs. Based on definition, local government, is defined as the administration of the civic affairs of a city, town, or district by its inhabitants rather than by the state or country at large. It is intended to manage or distribute the benefits of the agency to its constituents. While social services is defined as a range of public services provided by the government to create more effective organizations, build stronger communities, and promote equality and opportunity. Types of social services provided are education, food subsidies, health care, and subsidized housing. Further representations can be a local recreation department providing programs such as baseball, football, dance classes, etc.

The City is unfamiliar with the concept of “programmatically accessible”, which is the act of ensuring that their programs and services are accessible to individuals with disabilities. This requirement extends not only to physical access at government facilities, programs, and events, but also includes provisions for government entities to ensure effective communication – including the provision of necessary auxiliary aids and services. This is important to ensure that individuals with disabilities can participate in civic life. (The ADA and City Governments: Common Problems <https://www.ada.gov/comprob.htm>)

It is a common problem for City governments to provide qualified interpreters or assistive listening devices for individuals who are deaf or hard of hearing at a public event or meeting. In addition, City governments often fail to provide materials in alternate formats (Braille, large print, or audio cassettes) to individuals who are blind or hard of hearing.

Title II requires that city governments ensure that communications with individuals with disabilities are as effective as communications with others. Thus, city governments must provide appropriate auxiliary aids and services for people with disabilities (e.g., qualified interpreters, notetakers, computer-aided transcription services, assistive listening systems, written materials, audio recordings, computer disks, large print, and Brailled materials) to ensure that individuals with disabilities will be able to participate in the range of city services and programs. City governments must give primary consideration to the type of auxiliary aid or service that an individual with a disability requests.

The City should identify all of the aids that are currently within the City's possession. These aids should be catalogued for all City employees to reference. This will allow the division or department that has the item at its disposal, a process for sharing these aids through various departments. This will maximize what aids are currently available for use by City residents.

It is further recommended that the City utilize the comments received from the public in review of this Self-Evaluation report to determine the types of services and aides would be of the most assistance and have the greatest reach to City residents as a whole. As the information is compiled, the City should identify suppliers and maintain this information on hand to all City staff. This would include what services are available, time frames for how long it would take for staff to obtain the requested item (i.e. large print maybe able to be printed in house, but an item in braille make take up to 72 hours, etc.), contact information of the vendor, and so on. Qualified sign language interpreters should be made available to residents on request for residents as well.

Furthermore, the City in their notice regarding discrimination should include the policy of how to request and whom to contact to obtain alternate formats, and provide staff with the necessary amount of training necessary to fulfill requests for aids.

ADA.gov has provided information with guidance on the Department's 2010 regulations relating to communicating effectively with people who have vision, hearing, or speech disabilities. We have attached this publication hereto.



ADA Requirements

Effective Communication

Overview

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

People who have vision, hearing, or speech disabilities ("communication disabilities") use different ways to communicate. For example, people who are blind may give and receive information audibly rather than in writing and people who are deaf may give and receive information through writing or sign language rather than through speech.

The ADA requires that title II entities (State and local governments) and title III entities (businesses and nonprofit organizations that serve the public) communicate effectively with people who have communication disabilities. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities.

This publication is designed to help title II and title III entities ("covered entities") understand how the rules for effective communication, including rules that went into effect on March 15, 2011, apply to them.

- The purpose of the effective communication rules is to ensure that the person with a vision, hearing, or speech disability can communicate with, receive information from, and convey information to, the covered entity.
- Covered entities must provide auxiliary aids and services when needed to communicate effectively with people who have communication disabilities.
- The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person's normal method(s) of communication.

- The rules apply to communicating with the person who is receiving the covered entity's goods or services as well as with that person's parent, spouse, or companion in appropriate circumstances.

Auxiliary Aids and Services

The ADA uses the term "auxiliary aids and services" ("aids and services") to refer to the ways to communicate with people who have communication disabilities.

- For people who are blind, have vision loss, or are deaf-blind, this includes providing a qualified reader; information in large print, Braille, or electronically for use with a computer screen-reading program; or an audio recording of printed information. A "qualified" reader means someone who is able to read effectively, accurately, and impartially, using any necessary specialized vocabulary.
- For people who are deaf, have hearing loss, or are deaf-blind, this includes providing a qualified notetaker; a qualified sign language interpreter, oral interpreter, cued-speech interpreter, or tactile interpreter; real-time captioning; written materials; or a printed script of a stock speech (such as given on a museum or historic house tour). A "qualified" interpreter means someone who is able to interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed

to convey information back to that person) using any necessary specialized vocabulary.

- For people who have speech disabilities, this may include providing a qualified speech-to-speech transliterator (a person trained to recognize unclear speech and repeat it clearly), especially if the person will be speaking at length, such as giving testimony in court, or just taking more time to communicate with someone who uses a communication board. In some situations, keeping paper and pencil on hand so the person can write out words that staff cannot understand or simply allowing more time to communicate with someone who uses a communication board or device may provide effective communication. Staff should always listen attentively and not be afraid or embarrassed to ask the person to repeat a word or phrase they do not understand.

In addition, aids and services include a wide variety of technologies including 1) assistive listening systems and devices; 2) open captioning, closed captioning, real-time captioning, and closed caption decoders and devices; 3) telephone handset amplifiers, hearing-aid compatible telephones, text telephones (TTYs), videophones, captioned telephones, and other voice, text, and video-based telecommunications products; 4) videotext displays; 5) screen reader software, magnification software, and optical readers; 6) video description and secondary auditory programming (SAP) devices that pick up video-described audio feeds for television programs; 7) accessibility features in electronic documents and other electronic

and information technology that is accessible (either independently or through assistive technology such as screen readers).

Real-time captioning (also known as computer-assisted real-time transcription, or CART) is a service similar to court reporting in which a transcriber types what is being said at a meeting or event into a computer that projects the words onto a screen. This service, which can be provided on-site or remotely, is particularly useful for people who are deaf or have hearing loss but do not use sign language.

The free nationwide **telecommunications relay service** (TRS), reached by calling 7-1-1, uses communications assistants (also called CAs or relay operators) who serve as intermediaries between people who have hearing or speech disabilities who use a text telephone (TTY) or text messaging and people who use standard voice telephones. The communications assistant tells the telephone user what the other party is typing and types to tell the other party what the telephone user is saying. TRS also provides speech-to-speech transliteration for callers who have speech disabilities.

Video relay service (VRS) is a free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a standard voice telephone. The interpreter tells the telephone user what the subscriber is signing and signs to the subscriber what the telephone user is saying.

Video remote interpreting (VRI) is a fee-based service that uses video conferencing technology to access an off-site interpreter to provide real-time sign language or oral interpreting services for conversations between hearing people and people who are deaf or have hearing loss. The new regulations give covered entities the choice of using VRI or on-site interpreters in situations where either would be effective. VRI can be especially useful in rural areas where on-site interpreters may be difficult to obtain. Additionally, there may be some cost advantages in using VRI in certain circumstances. However, VRI will not be effective in all circumstances. For example, it will not be effective if the person who needs the interpreter has difficulty seeing the screen (either because of vision loss or because he or she cannot be properly positioned to see the screen, because of an injury or other condition). In these circumstances, an on-site interpreter may be required.

If VRI is chosen, *all* of the following specific performance standards must be met:

- real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
- a sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the face, arms, hands, and fingers of the person using sign language, regardless of his or her body position;

- a clear, audible transmission of voices; and
- adequate staff training to ensure quick set-up and proper operation.

Effective Communication Provisions

Covered entities must provide aids and services when needed to communicate effectively with people who have communication disabilities.

The key to deciding what aid or service is needed to communicate **effectively** is to consider the nature, length, complexity, and context of the communication as well as the person's normal method(s) of communication.

Some easy solutions work in relatively simple and straightforward situations. For example:

- In a lunchroom or restaurant, reading the menu to a person who is blind allows that person to decide what dish to order.
- In a retail setting, pointing to product information or writing notes back and forth to answer simple questions about a product may allow a person who is deaf to decide whether to purchase the product.

Other solutions may be needed where the information being communicated is more extensive or complex. For example:

- In a law firm, providing an accessible electronic copy of a legal document that is being drafted for a client who is blind allows the client to read the draft at home using a computer screen-reading program.
- In a doctor's office, an interpreter generally will be needed for taking the medical history of a patient who uses sign language or for discussing a serious diagnosis and its treatment options.

A person's method(s) of communication are also key. For example, sign language interpreters are effective only for people who use sign language. Other methods of communication, such as those described above, are needed for people who may have lost their hearing later in life and do not use sign language. Similarly, Braille is effective only for people who read Braille. Other methods are needed for people with vision disabilities who do not read Braille, such as providing accessible electronic text documents, forms, etc., that can be accessed by the person's screen reader program.

Covered entities are also required to accept telephone calls placed through TRS and VRS, and staff who answer the telephone must treat relay calls just like other calls.

Many deaf-blind individuals use support service providers (SSPs) to assist them in accessing the world around them. SSPs are not "aids and services" under the ADA. However, they provide mobility, orientation, and informal communication services for deaf-blind individuals and are a critically important link enabling them to independently access the community at large.

The communications assistant will explain how the system works if necessary.

Remember, the purpose of the effective communication rules is to ensure that the person with a communication disability can receive information from, and convey information to, the covered entity.

Companions

In many situations, covered entities communicate with someone other than the person who is receiving their goods or services. For example, school staff usually talk to a parent about a child's progress; hospital staff often talk to a patient's spouse, other relative, or friend about the patient's condition or prognosis. The rules refer to such people as "companions" and require covered entities to provide effective communication for companions who have communication disabilities.

The term "companion" includes any family member, friend, or associate of a person seeking or receiving an entity's goods or services who is an appropriate person with whom the entity should communicate.

Use of Accompanying Adults or Children as Interpreters

Historically, many covered entities have expected a person who uses sign language to bring a family member or friend to interpret for him or her. These people often lacked the impartiality and specialized vocabulary needed to interpret effectively and accurately. It was particularly problematic to use people's children as interpreters.

The ADA places responsibility for providing effective communication, including the use of interpreters, directly on covered entities. They cannot require a person to bring someone to interpret for him or her. A covered entity can rely on a companion to interpret in only two situations.

(1) In an emergency involving an imminent threat to the safety or welfare of an individual or the public, an adult or minor child accompanying a person who uses sign language may be relied upon to interpret or facilitate communication only when a qualified interpreter is not available.

(2) In situations **not** involving an imminent threat, an adult accompanying someone who uses sign language may be relied upon to interpret or facilitate communication when a) the individual requests this, b) the accompanying adult agrees, and c) reliance on the accompanying adult is appropriate under the circumstances. This exception does **not** apply to minor children.

Even under exception (2), covered entities may **not** rely on an accompanying adult to interpret when there is reason to doubt the person's impartiality or effectiveness. For example:

- It would be inappropriate to rely on a companion to interpret who feels conflicted about communicating bad news to the person or has a personal stake in the outcome of a situation.
- When responding to a call alleging spousal abuse, police should never rely on one spouse to interpret for the other spouse.

Who Decides Which Aid or Service Is Needed?

When choosing an aid or service, title II entities are **required** to give primary consideration to the choice of aid or service requested by the person who has a communication disability. The state or local government must honor the person's choice, unless it can demonstrate that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration or in an undue burden (see limitations below). If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still has an obligation to provide an alternative aid or service that provides effective communication if one is available.

Covered entities may require reasonable advance notice from people requesting aids or services, based on the length of time needed to acquire the aid or service, but may not impose excessive advance notice requirements. "Walk-in" requests for aids and services must also be honored to the extent possible.

Title III entities are **encouraged** to consult with the person with a disability to discuss what aid or service is appropriate. The goal is to provide an aid or service that will be effective, given the nature of what is being communicated and the person's method of communicating.

Limitations

Covered entities are required to provide aids and services unless doing so would result in an "undue burden," which is defined as significant difficulty or expense. If a particu-

lar aid or service would result in an undue burden, the entity must provide another effective aid or service, if possible, that would not result in an undue burden. Determining what constitutes an undue burden will vary from entity to entity and sometimes from one year to the next. The impact of changing economic conditions on the resources available to an entity may also be taken into consideration in making this determination.

State and local governments: in determining whether a particular aid or service would result in undue financial and administrative burdens, a title II entity should take into consideration the cost of the particular aid or service in light of all resources available to fund the program, service, or activity and the effect on other expenses or operations. The decision that a particular aid or service would result in an undue burden must be

made by a high level official, no lower than a Department head, and must include a written statement of the reasons for reaching that conclusion.

Businesses and nonprofits: in determining whether a particular aid or service would result in an undue burden, a title III entity should take into consideration the nature and cost of the aid or service relative to their size, overall financial resources, and overall expenses. In general, a business or nonprofit with greater resources is expected to do more to ensure effective communication than one with fewer resources. If the

entity has a parent company, the administrative and financial relationship, as well as the size, resources, and expenses of the parent company, would also be considered.

In addition, covered entities are not required to provide any particular aid or service in those rare circumstances where it would fundamentally alter the nature of the goods or services they provide to the public. In the performing arts, for example, slowing down the action on stage in order to describe the action for patrons who are blind or have vision loss may fundamentally alter the nature of a play or dance performance.

Staff Training

A critical and often overlooked component of ensuring success is comprehensive and ongoing staff training. Covered entities may have established good policies, but if front line staff are not aware of them or do not know how to implement them, problems can arise. Covered entities should teach staff about the ADA's requirements for communicating effectively with people who have communication disabilities. Many local disability organizations, including Centers for Independent Living, conduct ADA trainings in their communities. The Department's ADA Information Line can provide local contact information for these organizations.

For more information about the ADA, please visit our website or call our toll-free number.

ADA Website: www.ADA.gov

To receive e-mail notifications when new ADA information is available, visit the ADA Website and click on the link near the bottom of the right-hand column.

ADA Information Line

800-514-0301 (Voice) and
800-514-0383 (TTY)

Call M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m., (Eastern Time) to speak with an ADA Specialist (calls are confidential) or call 24 hours a day to order publications by mail.

For people with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged.

January 2014

ADA Coordinator

Of the people analyzed there were 47 questions used to gauge awareness of the City's ADA Coordinator. Questions asked to determine who the Coordinator is, what types of information does the Coordinator pass to other employees, and tasks the coordinator does to benefit the City. The answers to each of the questions are outlined below:

Q1. Does the agency have at least one ADA Coordinator or a designated responsible employee to address ADA and other accessibility related issues for the agency?		
Answer Choices	Response Percent	Responses
Yes	92.31%	12
No	7.69%	1
	Answered	13
	Skipped	0

Q2. How many ADA Coordinators does the agency have?		
Answered - 11	1	11
Skipped - 2	2	0
	Other	2 (Skipped)

Q3. Identify the agency's ADA Coordinator(s).					
Answer Choices				Response Percent	Responses
Name:				100.0%	10
Email:				80.0%	8
Phone Number:				50.0%	5
Address:				70.0%	7
Division/Department:				80.0%	8
				Answered	10
				Skipped	3

Q4 Identify the agency's ADA Coordinator(s).

Answered: 10 Skipped: 0

ANSWER CHOICES		RESPONSES
Name:		100.00% 10
Email:		80.00% 8
Phone Number:		60.00% 6
Address:		70.00% 7
Division/Department:		80.00% 8

#	NAME:	DATE
1	Gary Elide Gary Elide	8/01/2017 11:47 AM
2	Gary Elide Gary Elide	8/01/2017 9:43 AM
3	Gary Elide Gary Elide	8/02/2017 3:46 PM
4	Gary Elide Gary Elide	8/02/2017 12:58 PM
5	Gary Elide Gary Elide	8/02/2017 10:59 AM
6	Gary Elide Gary Elide	8/29/2017 12:28 PM
7	Gary Elide Gary Elide	8/29/2017 1:30 PM
8	Gary Elide Gary Elide	8/29/2017 3:39 PM
9	Gary Elide Gary Elide	8/29/2017 3:08 PM
10	Gary Elide Gary Elide	8/17/2017 1:55 PM

Q4. Is the agency ADA Coordinator(s) in regular communication with the department/division head(s)?

Answer Choices	Response Percent	Responses
Yes	81.82%	9
No	0.0%	0
I don't know	18.18%	2
	Answered	11
	Skipped	2

Q5. Does the Agency ADA Coordinator(s) assist in accessibility trainings for the agency?

Answer Choices	Response Percent	Responses
Yes	81.82%	9
No	0.0%	0
I don't know	18.18%	2
	Answered	11
	Skipped	2

Q6. How often are these trainings held?		
Answer Choices	Response Percent	Responses
Weekly	0.0%	0
Monthly	0.0%	0
Quarterly	12.5%	1
Yearly	87.5%	7
	Answered	8
	Skipped	5

Q7. Has the ADA Coordinator provided any instructional material(s) to better assist individuals within the department/division with accessibility?		
Answer Choices	Response Percent	Responses
Yes	50.0%	5
No	10.0%	1
I don't know	40.0%	4
	Answered	10
	Skipped	3

Q8. What forms of instructional material(s) have been provided?		
Answer Choices	Response Percent	Responses
Announcements	25.0%	2
Emails	50.0%	4
Instructional seminars	25.0%	2
Manuals/Guidebooks	50.0%	4
Powerpoint	25.0%	2
Webinars	0.0%	0
Outside training	0.0%	0
I don't know	37.5%	3
Other (please specify)	0.0%	0
	Answered	8
	Skipped	5

Q9. Is the agency's ADA Coordinator(s) familiar with the duties of the employees and contractors of the department/division?		
Answer Choices	Response Percent	Responses
Yes	77.78%	7
No	0.0%	0
I don't know	22.22%	2
	Answered	9
	Skipped	4

Q10. Is the agency's ADA Coordinator(s) familiar with the programs and services offered by the department/division?

Answer Choices	Response Percent	Responses
Yes	80.0%	8
No	0.0%	0
I don't know	20.0%	2
	Answered	10
	Skipped	3

Q11. Does the agency identify the ADA Coordinator, (including the name and contact information) for accommodation requests?

Answer Choices	Response Percent	Responses
Yes	54.55%	6
No	9.09%	1
I don't know	36.36%	4
	Answered	11
	Skipped	2

Q12. Has the ADA Coordinator provided a nondiscrimination statement for the department/division to utilize?

Answer Choices	Response Percent	Responses
Yes	10.0%	1
No	10.0%	1
I don't know	80.0%	8
	Answered	10
	Skipped	3

Q13. Has the ADA Coordinator provided guidance for the placement or publication of the nondiscrimination statement?

Answer Choices	Response Percent	Responses
Yes	9.09%	1
No	9.09%	1
I don't know	81.82%	9
	Answered	11
	Skipped	2

Q14. Has the ADA Coordinator provided guidance to the department/division for filing a nondiscrimination complaint?

Answer Choices	Response Percent	Responses
Yes	9.09%	1
No	9.09%	1
I don't know	81.82%	9
	Answered	11
	Skipped	2

Q15. What is the division/department's policy when an accessibility complaint has been received?

Answer Choices	Response Percent	Responses
Forward the complaint to the department head	18.18%	2
Investigate the complaint	9.09%	1
Notify the department/division's individual responsible for accessibility	9.09%	1
Process the complaint through the department/division's procedures	18.18%	2
I don't know	27.27%	3
Other (please specify)	18.18%	2
	Answered	11
	Skipped	2

Q16. What forms of communication does the department/division utilize to communicate with the ADA Coordinator once an accessibility complaint is made?

Answer Choices	Response Percent	Responses
Email	81.82%	9
Meetings	54.55%	6
Phone Conversations	72.73%	8
I don't know	18.18%	2
Other (please specify)	0.0%	0
	Answered	11
	Skipped	2

Q17. What are the next steps the division/department completes upon communicating with the ADA Coordinator after a complaint has been received?

Answer Choices	Response Percent	Responses
Investigation of the complaint	36.36%	4
Notification of investigation to the ADA Coordinator	27.27%	3
Policy/Procedure changes	18.18%	2
Structural changes	9.09%	1
No changes are made	9.09%	1
I don't know	45.45%	5
Other (please specify)	0.0%	0
	Answered	11
	Skipped	2

Q18. Does the ADA Coordinator have experience working with individuals with disabilities?		
Answer Choices	Response Percent	Responses
Yes	55.56%	5
No	0.0%	0
I don't know	44.44%	4
	Answered	9
	Skipped	4

Q19. Does the ADA Coordinator have experience working with local disability advocacy groups?		
Answer Choices	Response Percent	Responses
Yes	45.45%	5
No	0.0%	0
I don't know	54.55%	6
	Answered	11
	Skipped	2

Q20. Does the agency ADA Coordinator have the authority within the department/division to implement ADA modifications?		
Answer Choices	Response Percent	Responses
Yes	40.0%	4
No	10.0%	1
I don't know	50.0%	5
	Answered	10
	Skipped	3

Q21. Does the ADA Coordinator have the authority to implement changes within the programs and services offered by the department/division?		
Answer Choices	Response Percent	Responses
Yes	36.36%	4
No	9.09%	1
I don't know	54.55%	6
	Answered	11
	Skipped	2

Q22. If there is a new ADA Coordinator, is the public informed?		
Answer Choices	Response Percent	Responses
Yes	36.36%	4
No	0.0%	0
I don't know	63.64%	7
	Answered	11
	Skipped	2

Q23. How is the public informed?		
Answer Choices	Response Percent	Responses
Mailers	25.0%	1
Public announcement	50.0%	2
Website update	100.0%	4
Other (please specify)	0.0%	0
	Answered	4
	Skipped	9

Q24. Does the department/division have anyone other than the ADA Coordinator who is designated to coordinate ADA conformity?		
Answer Choices	Response Percent	Responses
Yes	9.09%	1
No	27.27%	3
I don't know	63.64%	7
	Answered	11
	Skipped	2

Q25. Provide the contact information of the individual within the department/division responsible for accessibility:		
Answer Choices	Response Percent	Responses
Name and Title:	100.0%	1
Email:	100.0%	1
Phone:	100.0%	1
Address	100.0%	1
	Answered	1
	Skipped	12

Q26. Does this individual coordinate accessibility trainings for the department/division? *Note, this is not the ADA Coordinator		
Answer Choices	Response Percent	Responses
Yes	10.0%	1
No	20.0%	2
I don't know	70.0%	7
	Answered	10
	Skipped	3

Q27. How often are these trainings held?		
Answer Choices	Response Percent	Responses
Weekly	0.0%	0
Monthly	0.0%	0
Quarterly	0.0%	0
Yearly	0.0%	0
	Answered	0
	Skipped	13

Q28. Is instructional material provided to the department/division by the individual responsible within the department concerning accessibility? *Note, this is not the ADA Coordinator		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q29 What instructional material(s) have been provided?		
Answer Choices	Response Percent	Responses
Emails	0.0%	0
Announcements	0.0%	0
Instructional seminars	0.0%	0
Manuals/Guidebooks	0.0%	0
Powerpoints	0.0%	0
Webinars	0.0%	0
I don't know	0.0%	0
Other (please specify)	0.0%	0
	Answered	0
	Skipped	13

Q30. Is this designated individual in regular correspondence with the department/division heads regarding accessibility? *Note, this is not the ADA Coordinator		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q31. Is the designated individual familiar with the duties of the employees and contractors of the department/division? *Note, this is not the ADA Coordinator		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q32. Is the designated official familiar with the programs and services offered by the department/division? *Note, this is not the ADA Coordinator		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q33. Within notices the department/division provides, is there contact information of the individual responsible for any reasonable modification requests that may need to be made?		
Answer Choices	Response Percent	Responses
Yes	45.45%	5
No	0.0%	0
I don't know	54.55%	6
	Answered	11
	Skipped	2

Q34. Who's contact information is put on notices published by the department/division?		
Answer Choices	Response Percent	Responses
ADA Coordinator	66.67%	6
Department/Division's internal individual responsible	22.22%	2
Other (please specify)	11.11%	1
	Answered	9
	Skipped	4

Q35. Has the individual responsible provided a separate nondiscrimination statement for the department/division to utilize?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	27.27%	3
I don't know	72.73%	8
	Answered	11
	Skipped	2

Q36. Is this a different statement, separate from the agency's nondiscrimination notice, being used?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	18.18%	2
I don't know	81.82%	9
	Answered	11
	Skipped	2

Q37. Has the individual responsible provided guidance regarding the placement of the publication for the notice?		
Answer Choices	Response Percent	Responses
Yes	9.09%	1
No	9.09%	1
I don't know	81.82%	9
	Answered	11
	Skipped	2

Q38. Has the individual responsible provided guidance for filing a nondiscrimination complaint?		
Answer Choices	Response Percent	Responses
Yes	11.11%	1
No	88.89%	8
	Answered	9
	Skipped	4

Q39. What forms of communication does the department/division have with the individual responsible once an accessibility complaint is made?		
Answer Choices	Response Percent	Responses
Email	66.67%	4
Meetings	66.67%	4
Phone Conversation	50.0%	3
Other (please specify)	16.67%	1
	Answered	6
	Skipped	7

Q40. What are the next steps the division/department completes upon communicating with the individual responsible after a complaint has been received? *Note this is not the ADA Coordinator		
Answer Choices	Response Percent	Responses
Investigation of the complaint	50.0%	4
Notification of investigation to the ADA C	37.5%	3
Policy/Procedure changes	12.5%	1
No changes are made	0.0%	0
Other (please specify)	12.5%	1
	Answered	8
	Skipped	5

Q41. Does the individual responsible for accessibility have experience working with individuals with disabilities? *Note this is not the ADA Coordinator		
Answer Choices	Response Percent	Responses
Yes	9.09%	1
No	9.09%	1
I don't know	81.82%	9
	Answered	11
	Skipped	2

Q42. Does the individual responsible have experience with local disability advocacy groups? *Note this is not the ADA Coordinator		
Answer Choices	Response Percent	Responses
Yes	9.09%	1
No	9.09%	1
I don't know	81.82%	9
	Answered	11
	Skipped	2

Q43. Does the individual responsible within the department/division have the authority to implement change for ADA Conformity? *Note this is not the ADA Coordinator		
Answer Choices	Response Percent	Responses
Yes	9.09%	1
No	9.09%	1
I don't know	81.82%	9
	Answered	11
	Skipped	2

Q44. Does the individual responsible within the department/division have the authority to implement changes within the programs and services offered by the department/division to conform with the ADA? *Note this is not the ADA Coordinator		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	18.18%	2
I don't know	81.82%	9
	Answered	11
	Skipped	2

Q45. How long has the individual responsible been in their position? *Note this is not the ADA Coordinator		
Answer Choices	Response Percent	Responses
Less than 6 months	0.0%	0
1-2 years	33.33%	2
3-4 years	16.67%	1
5 or more	50.0%	3
	Answered	6
	Skipped	7

Q46. When the individual responsible for accessibility is changed, is the department/division made aware of the change?		
Answer Choices	Response Percent	Responses
Yes	30.0%	3
No	0.0%	0
I don't know	70.0%	7
	Answered	10
	Skipped	3

Q47. How is the change communicated?		
Answer Choices	Response Percent	Responses
Announcements	33.33%	3
Emails	33.33%	3
Meetings	33.33%	3
Office Bulletins	0.0%	0
I don't know	66.67%	6
	Answered	9
	Skipped	4

Analysis:

Based on the responses to these questions, it seems that most of the City staff is familiar with who the ADA Coordinator is (while one of the department representatives asked to respond to these questions did not know the City has an ADA Coordinator).

The benefits of having an ADA Coordinator makes it easy to identify someone to help them with questions and concerns about disability discrimination. That can go for residents of the City and staff alike. For example, the ADA Coordinator is often the main contact when someone wishes to request an auxiliary aid or service for effective communication, such as a sign language interpreter or documents in braille. A knowledgeable ADA Coordinator will be able to efficiently assist people with disabilities with their questions. She or he will also be responsible for investigating complaints.

Having an ADA Coordinator also benefits state and local government entities. It provides a specific contact person with knowledge and information about the ADA so that questions by staff can be answered efficiently and consistently. In addition, she or he coordinates compliance measures and can be instrumental in ensuring that compliance plans move forward.

An Effective ADA Coordinator

The regulations require state and local governments with 50 or more employees to designate an employee responsible for coordinating compliance with ADA requirements. Here are some of the qualifications that help an ADA Coordinator to be effective:

- familiarity with the state or local government's structure, activities, and employees
- knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act, 29 U.S.C. § 794
- experience with people with a broad range of disabilities
- knowledge of various alternative formats and alternative technologies that enable people with disabilities to communicate, participate, and perform tasks
- ability to work cooperatively with the local government and people with disabilities
- familiarity with any local disability advocacy groups or other disability groups
- skills and training in negotiation and mediation
- organizational and analytical skills

Based on the responses, there is only one individual within the City that is responsible for ADA Compliance, and he is responsible for managing the City's ADA needs, which includes training to staff members, facilitating requests, managing the ADA grievance procedure, Transition Plan, etc.

ACI notes that it may be helpful for the ADA Coordinator, to attend ADA Coordinator training to become a certified ADA Coordinator.

Lastly, when ACI staff goes onto lincolncal.gov, there is a menu option which states "How do I", under this tab there is a selection for "How do I file an ADA grievance or complaint". When we select that it states that the City Clerk is the ADA Coordinator. It provides her name and her contact information.

The screenshot shows a web browser window displaying the City of Lincoln's ADA grievance page. The page title is "HOW DO I FILE AN ADA GRIEVANCE OR COMPLAINT?". The main content area explains the requirements of the Americans with Disabilities Act of 1990 ("ADA") and the ADA Evaluation and Transition Plan (Plan) adopted with Resolution 2011-080. It provides instructions on how to file a grievance, including clicking a link to review the Plan or visiting the City Clerk's office. A sidebar on the left contains links for "Apply For", "Pay", "Report", "Request", and "Sign Up For". A "Contact Information" section lists the ADA Coordinator (City Clerk) - Gwen Scanlon and the Records Coordinator - Dia Gix, both at 600 Sixth Street, Lincoln, CA 95648. An overlay box on the right side of the page contains the text: "Should you need to file an ADA grievance please click [here](#) or contact the City Clerk's office, see contact information below." and "Contact Information ADA Coordinator (City Clerk) - [Gwen Scanlon](#) 600 Sixth Street Lincoln, CA 95648 (916) 434-2493 (916) 645-8903 (Fax)". A blue arrow points from the "here" link in the overlay box to the "Gwen Scanlon" link in the page's contact information section.

HOW DO I FILE AN ADA GRIEVANCE OR COMPLAINT?

In order to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA") the ADA Evaluation and Transition Plan (Plan) was adopted with Resolution 2011-080. Click here to review the [Plan](#) or visit the office of the Clerk during normal business hours.

Should you need to file an ADA grievance please click [here](#) or contact the City Clerk's office, see contact information below.

Contact Information

ADA Coordinator (City Clerk) - [Gwen Scanlon](#)

600 Sixth Street
Lincoln, CA 95648
(916) 434-2493
(916) 645-8903 (fax)

Records Coordinator - [Dia Gix](#)

600 Sixth Street
Lincoln, CA 95648
(916) 434-2494
(916) 645-8903 (fax)

Should you need to file an ADA grievance please click [here](#) or contact the City Clerk's office, see contact information below.

Contact Information

ADA Coordinator (City Clerk) - [Gwen Scanlon](#)

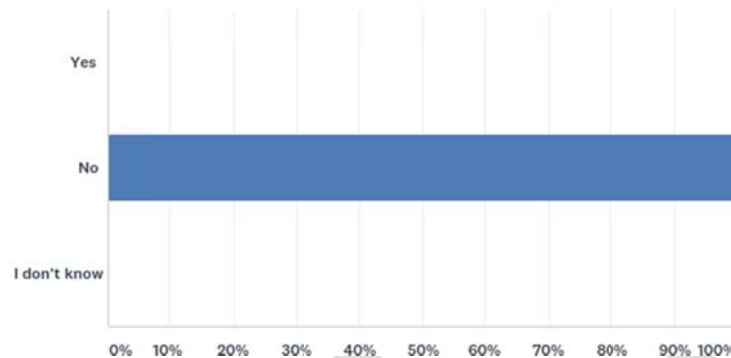
600 Sixth Street
Lincoln, CA 95648
(916) 434-2493
(916) 645-8903 (Fax)

It is recommended that when updating information regarding the ADA Coordinator, that the City log where all information is posted to ensure that each reference to the ADA Coordinator is updated as needed.

Correctional Facilities

Of the people analyzed there were 16 questions used to verify compliance with any correctional facilities managed or maintained by the City. The questions asked of the City staff are dynamic. The first question asks:

Q1 Does the department/division manage or maintain any form of jail, prison, and/or detention or correctional facility.



Analysis:

All 13 staff members indicate that the City does not operate any form of jail, prison, and/or detention or correctional facility. Due to this answer the remaining questions within this category are no longer relevant.

Contractors

There were 13 questions used to verify if the City ensures that any contractors used for any purpose also complies with the ADA. Questions ranged from ensuring proper policies are in place for the City and that the services provided by the contractors comply with the ADA. The questions and responses for each are outlined below:

Q1. Does the department/division contract out the performance of a public program or service?		
Answer Choices	Response Percent	Responses
Yes	38.46%	5
No	46.15%	6
I don't know	15.38%	2
	Answered	13
	Skipped	0

Q2. Does the department/division have a policy in place that verifies that all contractors ensure that all programs and services remain accessible to individuals?		
Answer Choices	Response Percent	Responses
Yes	40.0%	2
No	0.0%	0
I don't know	60.0%	3
	Answered	5
	Skipped	8

Q3. Does the department/division have a policy in place that outlines the Title II expectations set out for contractors?		
Answer Choices	Response Percent	Responses
Yes	20.0%	1
No	0.0%	0
I don't know	80.0%	4
	Answered	5
	Skipped	8

Q4. Does the services provided by the contractor provide equal opportunity to individuals with disabilities?		
Answer Choices	Response Percent	Responses
Yes	60.0%	3
No	0.0%	0
I don't know	40.0%	2
	Answered	5
	Skipped	8

Q5. Does the agency's Self-Evaluation review services normally contracted to ensure the programs continue to conform with regulations laid out by the ADA?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	20.0%	1
I don't know	80.0%	4
	Answered	5
	Skipped	8

Q6. Does the department/division conduct routine reviews of contractor's policies, procedures, and practices which relate to a contracted service(s) to verify conformance?

Answer Choices	Response Percent	Responses
Yes	20.0%	1
No	0.0%	0
I don't know	80.0%	4
	Answered	5
	Skipped	8

Q7. Does any contractor's agreement or contract include ADA inclusions that must be included with every job?

Answer Choices	Response Percent	Responses
Yes	20.0%	1
No	0.0%	0
I don't know	80.0%	4
	Answered	5
	Skipped	8

Q8. Does the department or agency instill any safeguards, such as contract termination, if a contractor does not follow ADA guidelines outlined in the contract for services?

Answer Choices	Response Percent	Responses
Yes	20.0%	1
No	0.0%	0
I don't know	80.0%	4
	Answered	5
	Skipped	8

Analysis:

By the responses provided, it is clear that not all departments utilize contractors. Although, only 2 stated that there is a policy in place to verify that all contractors ensure that all programs and services remain accessible to individuals, and only 1 respondent responded to the affirmative that there is a document that outlines the expectations of contractors of their Title II expectations.

It is recommended that all departments and department heads are familiar with the expectations when contracting to ensure compliance with 28 CFR §32.130 (below)

28 CFR §35.130 General prohibitions against discrimination (B)(5)

A public entity, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

28 CFR §35.130 General prohibitions against discrimination (B)

A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—

- i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
- ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
- iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;
- v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;
- vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;
- vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

As a contractor is an extension of the City staff while under contract to provide services, it is imperative that proper procedures be in place to make sure that any contractor under contract by the City comply with the same Title II requirements that the City staff is expected to comply with. This includes a policy expected staff to follow when selecting contractors, a document passed to and signed by the contractor acknowledging they will follow all ADA requirements specified, and contractual reviews to verify that measures agreed upon are being followed and acted upon for non-compliance.

Effective Communication:

There were 49 questions used to determine whether the City has assistive aids and their familiarity on how to obtain them. Questions ranged from identifying various forms, familiarity with each, and whether there is a policy in place to obtain. The questions and responses for each are outlined below:

Q1. Does your department or division provide the public with any written or published material?		
Answer Choices	Response Percent	Responses
Yes	76.92%	10
No	7.69%	1
I don't know	15.38%	2
	Answered	13
	Skipped	0

Q2. What forms or publications does your department/division provide?	
Answered	10
Skipped	3
Answers	<p>informational items such as vacation checks, services provided by the PD, assistance programs available for DV victims etc.</p> <p>Notices, agendas, forms, permits</p> <p>Agenda Packets and notices</p> <p>written and online</p> <p>We produce informational flyers about events, such as our annual spring clean up event, medication take-back days, universal waste collection, and oil filter pick-ups. We produce an annual solid waste guide that gets mailed to each household, and we prepared a water quality report that gets posted on our website.</p> <p>Magazines, newspapers, fiction, non-fiction, graphic novels, research resources.</p> <p>Emails, project updates on the City website</p> <p>multiple</p> <p>announcement project impacts</p> <p>grievance forms, copies of CBC code sections and figures</p>

Q3. Have the publications been made available in alternate formats?		
Answer Choices	Response Percent	Responses
Yes	40.0%	4
No	40.0%	4
I don't know	20.0%	2
	Answered	10
	Skipped	3

Q4. What alternative formats are available?		
Answer Choices	Response Percent	Responses
Audio recordings	14.29%	1
Braille	14.29%	1
Large print	28.57%	2
Text display	0.0%	0
Web based HTML or ASCCI	71.43%	5
I don't know	14.29%	1
Other (please specify)	28.57%	2
	Answered	7
	Skipped	6

Q5. How does an individual request an alternate format?		
Answer Choices	Response Percent	Responses
Email	100.0%	7
In-person	85.71%	6
Letter	57.14%	4
Phone Call	100.0%	7
Web based request (Intranet)	42.86%	3
Other (please specify)	0.0%	0
	Answered	7
	Skipped	6

Q6. Who receives the request for an alternate format?	
Answered	7
Skipped	6
Answers	Administration
	Department who distributes the document
	City Clerk
	If a resident has a request, they can send it to anyone who works for the City and we'll do our best to meet that request.
	Administration
	project manager or the public information officer or city clerk
	City Admin desk, ADA Coordinators desk, or

Q7. Out of the available alternate formats, does the department/division primarily consider what the individual has requested to be provided?		
Answer Choices	Response Percent	Responses
Yes	50.0%	5
No	0.0%	0
I don't know	50.0%	5
	Answered	10
	Skipped	3

Q8. Does the department/division have a policy in place when an individual requests auxiliary aids/services?		
Answer Choices	Response Percent	Responses
Yes	20.0%	2
No	40.0%	4
I don't know	40.0%	4
	Answered	10
	Skipped	3

Q9. Is notice provided to the public explaining the process to request auxiliary aids/services?		
Answer Choices	Response Percent	Responses
Yes	40.0%	4
No	10.0%	1
I don't know	50.0%	5
	Answered	10
	Skipped	3

Q10. How is this notice provided to the public?	
Answered	5
Skipped	8
Answers:	Included in posted and published notices
	I don't know
	Agenda Notices
	in the meeting notice that is published in the news paper and website.
	web-site, bulletin board

Q11. Does the department/division provide primary consideration to an individual's requests for services?		
Answer Choices	Response Percent	Responses
Yes	30.0%	3
No	0.0%	0
Only if requested format is available	20.0%	2
I don't know	50.0%	5
	Answered	10
	Skipped	3

Q12. What services or aides are readily available to individuals upon request?		
Answer Choices	Response Percent	Responses
Qualified sign-language interpreter	0.0%	0
Type-to-text communication	11.11%	1
Print-outs	77.78%	7
Assistive listening devices	11.11%	1
Live scribe reading pens	0.0%	0
Video remote interpreting (VRI)	0.0%	0
Hand-written notes	22.22%	2
Other (please specify)	22.22%	2
I don't know	Answered	9
All items above but there is a time delay.	Skipped	4

Q13. Does the department/division have a qualified sign-language interpreter on staff?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	69.23%	9
I don't know	30.77%	4
	Answered	13
	Skipped	0

Q14. Does the department/division contract to hire interpreting services?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	30.77%	4
I don't know	69.23%	9
	Answered	13
	Skipped	0

Q15. Does the department/division require advance notice to provide a sign language interpreter?		
Answer Choices	Response Percent	Responses
Yes	38.46%	5
No	15.38%	2
I don't know	46.15%	6
	Answered	13
	Skipped	0

Q16. What timeframe is needed?	
Answered	4
Skipped	9
Answers:	No set time frame but advance notice is required to determine if and when someone could be available
	unknown
	don't know
	not sure?

Q17. Does the department/division have sign-language interpreters available in formats other than American Sign Language (ASL)		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	30.77%	4
I don't know	69.23%	9
	Answered	13
	Skipped	0

Q18. Is the staff in the department familiar with the procedure when an interpreter is requested?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	46.15%	6
Some	15.38%	2
I don't know	38.46%	5
	Answered	13
	Skipped	0

Q19. Typically, when are staff trained/informed of the procedure when an interpreter is requested?		
Answer Choices	Response Percent	Responses
Orientation training	8.33%	1
Every 6 months	0.0%	0
Every year	0.0%	0
Never	50.0%	6
Other (please specify)	41.67%	5
	Answered	12
	Skipped	1

Q20. Is there a policy in place that gives direction to staff on how to facilitate communication with an individual who has a hearing disability who brings a companion that can hear?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	46.15%	6
I don't know	53.85%	7
	Answered	13
	Skipped	0

Q21. In the event that an individual who has a hearing disability comes in with a companion who can hear, does the department/division provide the individual with the option to use a department-provided interpreter?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	50.0%	6
I don't know	50.0%	6
	Answered	12
	Skipped	1

Q22. Does the department/division allow a companion child to interpret on an individual's request?		
Answer Choices	Response Percent	Responses
Yes	30.77%	4
No	0.0%	0
I don't know	69.23%	9
	Answered	13
	Skipped	0

Q23. What programs or devices does the department use for type-to-text services?		
Answer Choices	Response Percent	Responses
Speech recognition software	0.0%	0
Telephone text messaging	20.0%	2
Word processing programs	20.0%	2
None	70.0%	7
Other (please specify)	10.0%	1
	Answered	10
	Skipped	3

Q24. Is the staff in the department familiar with the procedure when a type-to-text request is made?

Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	50.0%	3
I don't know	33.33%	2
	Answered	6
	Skipped	7

Q25. Typically, when are staff trained/informed of the procedure when a type-to-text request is made?

Answer Choices	Response Percent	Responses
Orientation training	20.0%	1
Every 6 months	0.0%	0
Every year	0.0%	0
Every 2 years	0.0%	0
Never	40.0%	2
I don't know	40.0%	2
Other (please specify)	0.0%	0
	Answered	5
	Skipped	8

Q26. What technology does the department's/division's assisted listening devices utilize?

Answer Choices	Response Percent	Responses
FM technology	8.33%	1
Infrared technology	0.0%	0
Inductive Loop technology	0.0%	0
None	25.0%	3
I don't know	66.67%	8
Other (please specify)	0.0%	0
	Answered	12
	Skipped	1

Q27. Does the department/division have the assisted listening devices readily available to use upon request?

Answer Choices	Response Percent	Responses
Yes	50.0%	1
No	50.0%	1
I don't know	0.0%	0
	Answered	2
	Skipped	11

Q28. Is the staff familiar with the procedures when an assisted listening device is requested (including where to obtain it, how it works, and what is required)

Answer Choices	Response Percent	Responses
Yes	50.0%	1
No	0.0%	0
I don't know	50.0%	1
	Answered	2
	Skipped	11

Q29. Typically, when are staff trained/informed of the procedures when an assisted listening device is requested?

Answer Choices	Response Percent	Responses
Orientation	50.0%	1
Every 6 months	0.0%	0
Every year	0.0%	0
Every 2 years	0.0%	0
Never	0.0%	0
I don't know	50.0%	1
Other (please specify)	0.0%	0
	Answered	2
	Skipped	11

Q30. Is the staff familiar with the Livescribe pens and how to use them, if an individual brought it in to assist with communication?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	38.46%	5
Not available	7.69%	1
I don't know	53.85%	7
	Answered	13
	Skipped	0

Q31. Which application does your department/division utilize Video Remote Interpreting services (VRI) displays through?		
Answer Choices	Response Percent	Responses
Television display	0.0%	0
Video phone	0.0%	0
Web-camera	0.0%	0
None	30.77%	4
I don't know	69.23%	9
Other (please specify)	0.0%	0
	Answered	13
	Skipped	0

Q32. Does the VRI provide real-time, full motion view and audio?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q33. Does the video feed have regular lags that disrupts the video?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q34. Is the video feed choppy, blurry, grainy or have any irregular pauses in communication?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q35. Does the display show the interpreter's and individual from the public's face, arms, hands, and fingers?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
Just face	0.0%	0
Just arms	0.0%	0
Just hands	0.0%	0
Just fingers	0.0%	0
None	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q36. Are there clear, audible transmission of voices through the video feed?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q37. Is the staff familiar with the procedure to initiate VRI?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q38. Typically, when are staff trained/informed of the procedures when an Video Remote Interpreting services are requested?

Answer Choices	Response Percent	Responses
Orientation training	0.0%	0
Every 6 months	0.0%	0
Every year	0.0%	0
Every 2 years	0.0%	0
Never	0.0%	0
I don't know	0.0%	0
Other (please specify)	0.0%	0
	Answered	0
	Skipped	13

Q39. Does the department/division have a policy to assist the staff in determining when hand-written notes are appropriate when individuals come in with a hearing disability?		
Answer Choices	Response Percent	Responses
Yes	7.69%	1
No	38.46%	5
I don't know	53.85%	7
	Answered	13
	Skipped	0

Q40. Who in the department is responsible for obtaining aids to assist individuals with disabilities?	
Answered	5
Skipped	8
Answers:	City Clerk
	Gary
	I don't know
	not sure
	City Administration - city managers office.

Q41. If an item is requested in Braille, does the department/division have the necessary technology to print an item in Braille? *Please note Braille is an alternate format		
Answer Choices	Response Percent	Responses
Yes	7.69%	1
No	61.54%	8
I don't know	30.77%	4
	Answered	13
	Skipped	0

Q42. Does the department/division have a vendor in which you do business with that can print any written document in Braille?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	15.38%	2
I don't know	84.62%	11
	Answered	13
	Skipped	0

Q43. What is the timeframe required by the vendor to get a document in Braille available to an individual request such aide?	
Answered	0
Skipped	13

Q44. Do you work with vendors to provide any other service or aids to individuals? Such as: notetakers, screen readers, speech synthesizers, text telephones, open or closed captioning, etc...

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	46.15%	6
I don't know	53.85%	7
	Answered	13
	Skipped	0

Q45. Are there policies in place to assist staff members locate vendor and/or ordering information?

Answer Choices	Response Percent	Responses
Yes	16.67%	2
No	75.0%	9
If yes, (please specify policy)	8.33%	1
I don't know	Answered	12
	Skipped	1

Q46. Does the department provide information through the television?

Answer Choices	Response Percent	Responses
Yes	30.77%	4
No	46.15%	6
I don't know	23.08%	3
	Answered	13
	Skipped	0

Q47. Does the department have a policy in place to ensure all information is provided in Closed Captioning?

Answer Choices	Response Percent	Responses
Yes	25.0%	1
No	50.0%	2
I don't know	25.0%	1
	Answered	4
	Skipped	9

Q48. Does the department/division provide coin-operated or public telephones?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	100.0%	13
I don't know	0.0%	0
	Answered	13
	Skipped	0

Q49. Does the department/division take measures to ensure the telephones made available are hearing aid accessible?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	61.54%	8
I don't know	38.46%	5
	Answered	13
	Skipped	0

Analysis:

By the responses, it is clear there have been some requests for communication aids, although there does not seem to be a policy or procedure that outlines how a staff member is to handle a request for alternate formats. According to the Technical Assistance Manual, "A public entity must ensure that its communications with individuals with disabilities are as effective as communications with others." In order to provide equal access, a public accommodation is required to make available appropriate auxiliary aids and services where necessary to ensure effective communication.

Additionally, **II-7.1100 Primary consideration** states. *When an auxiliary aid or service is required, the public entity must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individual.* "Primary consideration" means that the public entity must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.

It is important to consult with the individual to determine the most appropriate auxiliary aid or service, because the individual with a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective. Some individuals who were deaf at birth or who lost their hearing before acquiring language, for example, use sign language as their primary form of communication and may be uncomfortable or not proficient with written English, making use of a notepad an ineffective means of communication.

Individuals who lose their hearing later in life, on the other hand, may not be familiar with sign language and can communicate effectively through writing. For these individuals, use of a word processor with a videotext display may provide effective communication in transactions that are long or complex, and computer-assisted simultaneous transcription may be necessary in courtroom proceedings. Individuals

with less severe hearing impairments are often able to communicate most effectively with voice amplification provided by an assistive listening device.

For individuals with vision impairments, appropriate auxiliary aids include readers, audio recordings, brailled materials, and large print materials. Brailled materials, however, are ineffective for many individuals with vision impairments who do not read braille, just as large print materials would be ineffective for individuals with severely impaired vision who rely on Braille or on audio communications. Thus, the requirement for consultation and primary consideration to the individual's expressed choice applies to information provided in visual formats as well as to aurally communicated information."

It is recommended that the City develop a policy stating their stance on requests for auxiliary aids and services. It is further recommended that the City develop a procedure on whom to contact when a request for an aid or service is received. This procedure should indicate the types of services that are available, time frames to obtain each aid available, and who the City contact is to obtain the information. This procedure with all relative information should be made available to all city employees. This will assist in any staff member that may be in receipt of a request, they can look to see what is available, let the requester know how long it will take to obtain the requested information, and then who to forward the request to.

Training

Of the people analyzed 7 questions were used to determine the amount and types of training that is provided to the City staff. Questions asked were used to determine the types of training provided, if any, frequency and whether trainings are mandatory to some or all of the City staff. The answers to each of the questions are outlined below:

Q1. Does the department/division participate in ADA related training?		
Answer Choices	Response Percent	Responses
Yes	46.15%	6
No	46.15%	6
I don't know	7.69%	1
	Answered	13
	Skipped	0

Q2. Does the department/division participate in ADA related training?	
Answered	5
Skipped	8
Answers:	yes - state Casp training recently
	yes
	yes
	yes
	yes

Q3. How often does the department participate in training?	
Answered	6
Skipped	7
Answers:	annual
	bi yearly
	not sure i have been invited once.
	Not sure
	has been on an need basis not consistent.
	once a year

Q4 What ADA themes has the department/division participated in? (Select all that apply)



Q5. Is the training provided mandatory?		
Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	50.0%	3
I don't know	33.33%	2
Other (please specify)	0.0%	0
	Answered	6
	Skipped	7

Q6. Is specific staff required to attend the training as a mandatory requirement? (If yes, please specify)	
Answered	3
Skipped	10
Answers:	No
	ADA Coordinator/Planners/Engineers
	No

Q7. How often does the department provide ADA training?	
Answered	3
Skipped	10
Answers:	not sure
	Not sure - once that I know of so far
	once a year

Analysis:

For the duration of time that ACI was under contract, we are familiar with at least one training that was conducted by the City to its staff. The training provided focused on the structural requirements within the ADA. That is a very vast and important part of the ADA regulations. The ADA is a vast comprehensive law. There are many facets to the law which should be made available to staff. Per ADA.gov, a critical, but often overlooked, component of ensuring success is comprehensive and ongoing staff training. Public entities may have good policies, but if front line staff or volunteers are not aware of them or do not know how to implement them, problems can arise. It is important that staff -- especially front-line staff who routinely interact with the public -- understand the requirements on modifying policies and practices, communicating with and assisting customers, accepting calls placed through the relay system, and identifying alternate ways to provide access to programs and services when necessary to accommodate individuals with a mobility disability. Many local disability organizations, including Centers for Independent Living, conduct ADA trainings in their communities. The Department of Justice or the National Network of ADA Centers can provide local contact information for these organizations.

It is recommended that training be provided on a more consistent basis to provide a more encompassing training program and materials. The City can provide this training to all staff or for the department heads. Different types of training can be delivered in multiple ways. For more complex trainings, it may be required that trainings be provided in a classroom type setting. Although, some of the administrative types trainings can be presented in a Power Point that staff members can review at their leisure. They

can maintain the training information so when an issue arises they have the ability to review training material to determine what their requirements are when managing an issue that arises.

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Transition Plan

There were 20 questions used to determine if the City manages and maintains its Transition Plan. Questions asked look into if the City has a Transition Plan, how often it is maintained, etc. The questions and responses for each are outlined below:

Q1. How many employees does your agency have?		
Answer Choices	Response Percent	Responses
1-49	23.08%	3
50 or more	76.92%	10
	Answered	13
	Skipped	0

Q2. Does your agency have a way of identifying existing structural barriers?		
Answer Choices	Response Percent	Responses
Yes	60.0%	6
No	0.0%	0
I don't know	40.0%	4
	Answered	10
	Skipped	3

Q3. Is this information maintained through any type of plan maintained through your agency?		
Answer Choices	Response Percent	Responses
Yes	60.0%	6
No	0.0%	0
I don't know	40.0%	4
	Answered	10
	Skipped	3

Q4. Does the Department/Division have a policy in place that acknowledges that all new and existing construction be constructed in a manner that conforms with the federal and state accessibility design standards?		
Answer Choices	Response Percent	Responses
Yes	70.0%	7
No	0.0%	0
I don't know	30.0%	3
	Answered	10
	Skipped	3

Q5. Does the agency have a Transition Plan?		
Answer Choices	Response Percent	Responses
Yes	80.0%	8
No	0.0%	0
I don't know	20.0%	2
	Answered	10
	Skipped	3

Q6. Does the plan identify physical obstacles that limit the accessibility of its programs or activities to individuals with disabilities?		
Answer Choices	Response Percent	Responses
Yes	100.0%	7
No	0.0%	0
	Answered	7
	Skipped	6

Q7. Which programs or activities have been inspected?		
Answer Choices	Response Percent	Responses
Agency owned and operated facilities	100.0%	6
Parks	83.33%	5
Pedestrian right-of-way	50.0%	3
Streets	50.0%	3
Other (please specify)	0.0%	0
	Answered	6
	Skipped	7

Q8. Were the results of the inspections added to the Transition Plan?		
Answer Choices	Response Percent	Responses
Yes	100.0%	6
No	0.0%	0
	Answered	6
	Skipped	7

Q9. Does the agency's policy include a plan that outlines the steps the agency plans to utilize to fix the identified barriers?		
Answer Choices	Response Percent	Responses
Yes	100.0%	7
No	0.0%	0
	Answered	7
	Skipped	6

Q10. Does the Department/Division include a timeframe for when the identified barrier is expected to be fixed?

Answer Choices	Response Percent	Responses
Yes	85.71%	6
No	14.29%	1
	Answered	7
	Skipped	6

Q11. If the time necessary exceeds one year, does the plan detail each step taken during each year of the Transition Plan?

Answer Choices	Response Percent	Responses
Yes	66.67%	4
No	33.33%	2
	Answered	6
	Skipped	7

Q12. Does the agency's Transition Plan identify the individual responsible for carrying out the intended removal of the physical barrier?

Answer Choices	Response Percent	Responses
Yes	66.67%	4
No	33.33%	2
	Answered	6
	Skipped	7

Q13. Please identify the individual responsible for the Transition Plan's implementation

Answer Choices	Response Percent	Responses
Title and Name:	100.0%	4
Length of Employment:	50.0%	2
Answers:	Answered	4
Gary Eide, Chief Building Official / ADA Coordinator	Skipped	9

Q14. Is the agency's Transition Plan made available for the public to view?

Answer Choices	Response Percent	Responses
Yes	100.0%	7
No	0.0%	0
	Answered	7
	Skipped	6

Q15. How does the agency make the transition plan viewable?		
Answer Choices	Response Percent	Responses
In-office viewing	83.33%	5
Internet/webpage	83.33%	5
Mailer	0.0%	0
Upon request	50.0%	3
Other (please specify)	0.0%	0
	Answered	6
	Skipped	7

Q16. Does the agency allow for individuals, either with disabilities or advocating for individuals with disabilities, to help develop the Transition Plan?		
Answer Choices	Response Percent	Responses
Yes	66.67%	4
No	33.33%	2
	Answered	6
	Skipped	7

Q17. Is the agency's Transition Plan easily changed to incorporate additional structural barriers or to remove barriers?		
Answer Choices	Response Percent	Responses
Yes	66.67%	4
No	33.33%	2
	Answered	6
	Skipped	7

Q18. When a barrier is identified through the Grievance Procedure that requires modification to any structure, is the barrier added to the Transition Plan?		
Answer Choices	Response Percent	Responses
Yes	14.29%	1
No	14.29%	1
I don't know	71.43%	5
	Answered	7
	Skipped	6

Q19. Does the agency have a procedure in place for a staff member to identify and add an accessible barrier to the Transition Plan?		
Answer Choices	Response Percent	Responses
Yes	28.57%	2
No	0.0%	0
I don't know	71.43%	5
	Answered	7
	Skipped	6

Q20. If the agency previously complied with the Transition Plan requirement (by way of the criteria outlined in Section 504 of the Rehabilitation Act); is there a plan to reevaluate any policies, practices, and construction not yet existing at the time of the previous Transition Plan?		
Answer Choices	Response Percent	Responses
Yes	42.86%	3
No	14.29%	1
No previous transition plan existed	14.29%	1
I don't know	28.57%	2
	Answered	7
	Skipped	6

Analysis:

ACI was contracted to update the currently posted Self-Evaluation and Transition Plan that was completed in 2011. Our contract was intended to update the current plan. According to the Title II Technical Assistance Manual section II-8.3000 Transition plan. Where structural modifications are required to achieve program accessibility, a public entity with 50 or more employees must do a transition plan by July 26, 1992, that provides for the removal of these barriers. Any structural modifications must be completed as expeditiously as possible, but, in any event, by January 26, 1995.

What if a public entity has already done a transition plan under section 504 of the Rehabilitation Act of 1973? If a public entity previously completed a section 504 transition plan, then, at a minimum, a title II transition plan must cover those barriers to accessibility that were not addressed by its prior transition plan. Although not required, it may be simpler to include all of a public entity's operations in its transition plan rather than identifying and excluding those barriers that were addressed in its previous plan.

Must the transition plan be made available to the public? If a public entity has 50 or more employees, a copy of the transition plan must be made available for public inspection.

What are the elements of an acceptable transition plan? A transition plan should contain at a minimum --

- 1) A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- 2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible;
- 3) The schedule for taking the necessary steps to achieve compliance with title II. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period; and,
- 4) The name of the official responsible for the plan's implementation.

While the City's current Transition Plan maintains all of the regulated requirements. It is important to remember that a Transition Plan is intended to be a living document that requires constant planning and monitoring. As boundaries grow, so does the need to incorporate acquired facilities, public-rights-of-way, parks, and more. Identifying barriers within the City is not the end to the creation of your Transition Plan, it is important to continue to track and monitor all of the barriers, including identifying when barriers have been remediated.

It is recommended that the City of Lincoln continue to utilize the BlueDAG software to identify new barriers and track their progress to continuously broadcast to the interested parties the most current and up-to-date information.

Emergency Management

To determine the City's emergency preparedness, ACI requested that the 13 people surveyed answer 99 questions to gauge the City's familiarity with the proper procedures and practices that are or are not be utilized to prepare for an emergency.

Q1. Does the department/division handle any emergency services?		
Answer Choices	Response Percent	Responses
Yes	38.46%	5
No	53.85%	7
I don't know	7.69%	1
	Answered	13
	Skipped	0

Q2. Does the department or division have any policies or procedures in place to prepare for an emergency situation?		
Answer Choices	Response Percent	Responses
Yes	50.0%	3
No	16.67%	1
I don't know	33.33%	2
	Answered	6
	Skipped	7

Q3. When was this policy implemented?	
Answered	2
Skipped	11
Answers:	Not sure
	I do not know

Q4. When was the last time this policy was reviewed for effectiveness?	
Answered	2
Skipped	11
Answers:	Not sure
	I do not know

Q5. Have policies been reviewed by individuals with a wide variety of disabilities?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q6. Did they review the agency's policies for preparing for emergencies?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q7. Did individuals with disabilities review the notification methods that communicate with the public regarding the emergency?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	20.0%	1
I don't know	80.0%	4
	Answered	5
	Skipped	8

Q8. Did individuals with disabilities review the agency's response policies and procedures?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q9. Did individuals with disabilities review the agency's clean up policies and procedures in emergencies?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q10. Were the individuals' comments integrated into the policy?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q11. Does the department/division have a policy in place to notify the public of an emergency?

Answer Choices	Response Percent	Responses
Yes	40.0%	2
No	0.0%	0
I don't know	60.0%	3
	Answered	5
	Skipped	8

Q12. Does the policy list the person responsible for broadcasting or initiating the audible notification?

Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	0.0%	0
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q13. Does the policy address the time frame required to begin the notification process?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q14. When was this policy implemented?

Answered	2
Skipped	11
Answers:	Unsure
	I do not know

Q15. When was the last time this policy was reviewed for effectiveness?

Answered	2
Skipped	11
Answers:	Unsure
	I do not know

Q16. Does this policy for notification used by the department/division require a combination of audible and visual notifications?

Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	0.0%	0
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q17. Please indicate what forms of notifications are used to notify an individual that may have a visual disability? (Select all that apply)

Answer Choices	Response Percent	Responses
Auto dialer phone message	75.0%	3
Designated door-to-door agent	25.0%	1
Internet announcement	25.0%	1
Radio announcement	50.0%	2
Television announcement	50.0%	2
I don't know	25.0%	1
Other (please specify)	0.0%	0
	Answered	4
	Skipped	9

Q18. Please indicate what forms of notifications are used to notify an individual that may have an auditory disability? (Select all that apply)

Answer Choices	Response Percent	Responses
Auto dialed TTY message	0.0%	0
Auto dialer phone message	0.0%	0
Automated mass email	25.0%	1
Automated SMS text messaging	0.0%	0
Flashing lights	0.0%	0
Television announcements with included closed-captioning	0.0%	0
I don't know	75.0%	3
Other (please specify)	0.0%	0
	Answered	4
	Skipped	9

Q19. Are multiple forms of communication used to ensure notice has been provided to all individuals?		
Answer Choices	Response Percent	Responses
Yes	33.33%	2
No	0.0%	0
I don't know	66.67%	4
	Answered	6
	Skipped	7

Q20. Is routine notice provided to the public of accessibility measures during emergencies?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q21. Does the agency have a voluntary registry for individuals with disabilities and their specific needs in an emergency/evacuation situation?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q22. How is the public notified to enroll in the registry?	
Answered	0
Skipped	13

Q23. When signing up for the registry, are individuals asked to specify an special needs required to assist them in an emergency? For example: wheelchair, service animal, oxygen tank, medications, etc...		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q24. Is the voluntary registry confidential?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q25. Can an individual update their information?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q26. How often can someone change their information?	
Answered	0
Skipped	13

Q27. In emergency situations does the agency transport the public?		
Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	16.67%	1
I don't know	66.67%	4
	Answered	6
	Skipped	7

Q28. Is there a policy in place to ensure the agency has accessible transportation as needed in an emergency situation?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q29. When was this policy implemented and reviewed for effectiveness?	
Answered	1
Skipped	12
Answer:	I don't know

Q30. Does the department/division have a policy in place to evaluate the effectiveness and capabilities required to properly provide transportation in an emergency situation?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q31. Does this policy include the various accommodation needs individuals may need depending on the form of disability?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q32. Does the department/division have the equipment necessary to transport an individual in a wheelchair?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q33. Is there routine mechanical maintenance performed on the equipment needed to transport an individual in a wheelchair?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q34. Does the department/division have a policy in place to incorporate training for any individual responsible for operating the equipment necessary to transport an individual in a wheelchair?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	13

Q35. During transportation in an emergency situation, does the agency include provisions for motorized scooter(s)?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q36. Does the department/division have the equipment necessary to transport an individual with a motorized scooter?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q37. Is there routine mechanical maintenance performed on the equipment needed to transport an individual with a motorized scooter?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q38. Does the department/division have a policy in place to incorporate training for any individual responsible for operating the equipment necessary to transport an individual with a motorized scooter?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q39. During transportation, does the agency include provisions for individuals with oxygen tanks?

Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	0.0%	0
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q40. Does the department/division have a policy to incorporate training on how to properly transport an individual dependent on the use of an oxygen tank?

Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	0.0%	0
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q41. Does the training include the operational requirements of an oxygen tank?

Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	0.0%	0
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q42. During transportation, does the agency include provisions for an individual that travels with a service animal?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q43. Is a service animal separated from his/her owner during the transportation process?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	6
	Answered	6
	Skipped	7

Q44. Do responders allow the individual to gather any required care items required for the service animal?

Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	0.0%	0
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q45. During emergency transportation does the agency include provisions for

Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	0.0%	0
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q46. Are there any other mobility aids, not previously discussed, that emergency transportation responders include provisions for?

Answer Choices	Response Percent	Responses
Yes	20.0%	1
No	0.0%	0
I don't know	80.0%	4
	Answered	5
	Skipped	8

Q47. During transportation does the agency include provisions to identify and obtain medical supplies an individual requires for survival?		
Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	0.0%	0
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q48. Does the agency transport medical supplies and equipment necessary for individuals with disabilities?		
Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	0.0%	0
I don't know	83.33%	5
	Answered	6
	Skipped	7

Q49. Does the agency provide emergency shelters or temporary housing in emergency situations?		
Answer Choices	Response Percent	Responses
Yes	75.0%	3
No	25.0%	1
I don't know	0.0%	0
	Answered	4
	Skipped	9

Q50. Have these shelters/temporary housing locations been pre-determined per policy?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q51. Have these locations been inspected to determine physical accessibility? Including restrooms, drinking fountains, and paths of travel.		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q52. If any barriers were identified, has the agency communicated with the facility's owner to try and remove the accessible barriers?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q53. Was the external path of travel inspected for accessibility?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q54. If any barriers were identified, has the agency communicated with the facility's owner to try and remove the accessible barriers?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q55. Was the internal path of travel inspected for accessibility?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q56. Is the pathway to the bathing facilities, sleeping area and dining quarters accessible?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q57. Does the agency ensure provisions are made to ensure that electrical resources are provided to those who need electrical access for refrigeration of medications or life support devices?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q58. When electricity is available, is access given to people who depend on electrically powered equipment to survive?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q59. Does the shelter have a back up generator?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q60. Does the emergency shelter/temporary shelter allow service animals into the facility?		
Answer Choices	Response Percent	Responses
Yes	20.0%	1
No	0.0%	0
I don't know	80.0%	4
	Answered	5
	Skipped	8

Q61. Can the individual be with the service animal at all times?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q62. Does the shelter provide emergency supplies for individuals with disabilities to care for their service animals?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q63. If the service animal needs to relieve itself, is the individual subjected to long waits at the security checkpoints?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q64. Does the agency have a policy that welcomes everyone into their facility?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	20.0%	1
I don't know	80.0%	4
	Answered	5
	Skipped	8

Q65. Are individuals with disabilities redirected to go to any "special" shelters?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q66. Is a family, with an individual who has a disability, welcomed into the same shelter?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q67. Does the shelter make accommodations for those with disabilities?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q68. Does the shelter provide assistance to individuals who may need help with daily living activities?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q69. Does the shelter rely on the individual with a disability to bring his or her own personal care attendant?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q70. Does the shelter offer cots for individuals to sleep on?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q71. Will the shelter make any accommodations for individuals with a disability who may need sleeping arrangements modified?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	4
	Answered	4
	Skipped	9

Q72. Can residents and volunteers with disability-related needs have access to food and beverages when needed?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q73. Are food options provided for those who may have dietary restrictions?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q74. Does the shelter provide quiet rooms, low stimulation areas, for individuals?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q75. Is the information communicated within the shelters provided in alternate formats?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
No information is provided	0.0%	0
I don't know	100.0%	4
	Answered	4
	Skipped	9

Q76. Does the shelter provide an orientation for those who are blind or have low vision?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q77. Does the shelter provide an orientation for those who are blind or have low vision?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	4
	Answered	4
	Skipped	9

Q78. Are the staff trained at the medical shelters to address various disability needs?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q79. How often are the trainings held?		
Answer Choices	Response Percent	Responses
Orientation	0.0%	0
Every 6 months	0.0%	0
Every year	0.0%	0
Every 2 years	0.0%	0
Never	0.0%	0
I don't know	100.0%	3
Other (please specify)	0.0%	0
	Answered	3
	Skipped	10

Q80. Are volunteers trained at the medical shelters to address various disability needs?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q81. Does the department/division have a designated "incident manager(s)" available during an emergency?		
Answer Choices	Response Percent	Responses
Yes	20.0%	1
No	20.0%	1
I don't know	60.0%	3
	Answered	5
	Skipped	8

Q82. Please identify the incident manager(s):	
Answered	1
Skipped	12
Answer:	City Manager or Public Safety Manager

Q83. Can the "incident manager" provide immediate guidance on accessibility issues that may arise? (For example: service animals, electrical needs, path of travel, etc.)		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	1
	Answered	1
	Skipped	12

Q84. Are the incident manager(s) provided routine training regarding accessibility?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	1
	Answered	1
	Skipped	12

Q85. How often?		
Answer Choices	Response Percent	Responses
Orientation	0.0%	0
Every 6 months	0.0%	0
Every year	0.0%	0
Every 2 years	0.0%	0
I don't know	0.0%	0
Other (please specify)	0.0%	0
	Answered	0
	Skipped	13

Q86. Is the agency responsible for assisting individuals post-emergency?		
Answer Choices	Response Percent	Responses
Yes	20.0%	1
No	20.0%	1
I don't know	60.0%	3
	Answered	5
	Skipped	8

Q87. When helping individuals post-emergency, are staff equipped to assist individuals with disabilities?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q88. Once an individual with a disability has been evacuated/transported, does the agency return these individuals to their homes after the emergency situation?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q89. Does the shelter modify any policies for individuals with disabilities to adjust the time and assistance they may need to locate new homes?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q90. Does your department or division assist individuals with disabilities apply for or receive social services or other benefit programs?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	40.0%	2
I don't know	60.0%	3
	Answered	5
	Skipped	8

Q91. Is your department or division responsible for repairing or rebuilding facilities post-emergency?

Answer Choices	Response Percent	Responses
Yes	20.0%	1
No	20.0%	1
I don't know	60.0%	3
	Answered	5
	Skipped	8

Q92. Does the department or division have a policy in place to incorporate applicable accessibility standards when constructing, repairing, or rebuilding any facility?

Answer Choices	Response Percent	Responses
Yes	40.0%	2
No	0.0%	0
I don't know	60.0%	3
	Answered	5
	Skipped	8

Q93. Does the department or division have a policy in place regarding crisis counseling during an emergency?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	8

Q94. Does the agency remain apprised of changes to accessibility requirements?

Answer Choices	Response Percent	Responses
Yes	40.0%	2
No	0.0%	0
I don't know	60.0%	3
	Answered	5
	Skipped	8

Q95. Are these accessibility changes integrated into current policies and practices?

Answer Choices	Response Percent	Responses
Yes	50.0%	1
No	0.0%	0
I don't know	50.0%	1
	Answered	2
	Skipped	11

Q96. Is the information integrated into training?		
Answer Choices	Response Percent	Responses
Yes	50.0%	1
No	0.0%	0
I don't know	50.0%	1
	Answered	2
	Skipped	11

Q97. Is training provided to new staff?		
Answer Choices	Response Percent	Responses
Yes	40.0%	2
No	0.0%	0
I don't know	60.0%	3
	Answered	5
	Skipped	8

Q98. Is training provided to current staff?		
Answer Choices	Response Percent	Responses
Yes	60.0%	3
No	0.0%	0
I don't know	40.0%	2
	Answered	5
	Skipped	8

Q99. How often does the department/division conduct "run throughs" to determine the effectiveness of their emergency management?	
Answered	1
Skipped	12
Answers:	I don't know

Analysis

Preparing for an emergency is a very crucial step for individuals with disabilities, as there is very little time for the City to respond during an emergency. The first main step in preparing for a disaster is to create a registry with the names and special needs of individuals within the community. ACI is familiar with a Placer County notification through Facebook, although for people who are limited to how they can receive notification, there needs to be a means for the City to know and identify who and how to notify individuals with specific needs. For example, for an individual who cannot see flashing street lights will not be sufficiently notified of an emergency. If a registry is created, this will allow the City to know who needs to be directly notified and how it can be most efficiently done.

Once this registry is enacted, the City will then be able to identify which individuals may need evacuation assistance. Through the City responses, it is stated that the City does not have transportation assistance capable of managing some disabilities. Maintaining specific vehicles or transportation assistance in case of an emergency can be costly on the chance that an emergency may happen. ACI recommends that the City reach out to various state agencies and transportation providers to partner for this specific reason

should an emergency arise. By identifying these partners in advance, the City will not have to spend valuable time looking for these resources after the fact.

When the need arises for the City to use Emergency Shelters, a sampling of locations should be identified in advance. This will include verifying that any facility being used is accessible to an individual with a disability. The ADA states that shelters should be operated in a way to ensure that individuals with disabilities receive the same benefits, i.e. safety, comfort, food, medical care, etc.

It is vitally important that procedures be in place that City staff is familiar with. This procedure should include routine maintenance. As a City you can have the most effective policies in place, stock many of the identified aids (generators, oxygen tanks, batteries, medication, etc.), but if these items are not routinely maintained it could be dramatically detrimental for someone that is relying on the resources. For example, should there be a need for a generator, but it has not been maintained it may lose some of the necessary power. That can affect necessary refrigeration that may be required to maintain medications, power medical equipment necessary for an individual's survival. A procedure should be in place to make sure these steps are managed with an individual identified for coordinating the steps for managing an emergency situation. This person should be familiar with the concept of programmatic access, which includes physical and programmatic barriers that may arise in an emergency. The Department of Justice has provided informational resources for both Emergency Management and Emergency Shelters. These resources have been attached hereto.



An ADA Guide for Local Governments

Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities

One of the most important roles of local government is to protect their citizenry from harm, including helping people prepare for and respond to emergencies. Making local government emergency preparedness and response programs accessible to people with disabilities is a critical part of this responsibility. Making these programs accessible is also required by the Americans with Disabilities Act of 1990 (ADA).



A police officer uses written notes and hand gestures to tell a man who is deaf to evacuate.

A family, including a woman with a service animal, arrives at a shelter.



A man using a wheelchair enters a paratransit van provided so he can evacuate from his home.

PLANNING

If you are responsible for your community's emergency planning or response activities, you should involve people with disabilities in identifying needs and evaluating effective emergency management practices. Issues that have the greatest impact on people with disabilities include:

- notification;
- evacuation;
- emergency transportation;
- sheltering;
- access to medications, refrigeration, and back-up power;
- access to their mobility devices or service animals while in transit or at shelters; and
- access to information.

In planning for emergency services, you should consider the needs of people who use mobility aids such as wheelchairs, scooters, walkers, canes or crutches, or people who have limited stamina. Plans also need to include people who use oxygen or respirators, people who are blind or who have low vision, people who are deaf or hard of hearing, people who have a cognitive disability, people with mental illness, and those with other types of disabilities.

Action Steps: Planning

Solicit and incorporate input from people with different types of disabilities (e.g. mobility, vision, hearing, cognitive and other disabilities) regarding all phases of your emergency management plan including:

- preparation;
- notification;
- response; and
- clean up.

NOTIFICATION

Many traditional emergency notification methods are not accessible to or usable by people with disabilities. People who are deaf or hard of hearing cannot hear radio, television, sirens, or other audible alerts. Those who are blind or who have low vision may not be aware of visual cues, such as flashing lights. Warning methods should be developed to ensure that all citizens will have the information necessary to make sound decisions and take appropriate, responsible action. Often, using a combination of methods will be more effective than relying on one method alone. For instance, combining visual and audible alerts will reach a greater audience than either method would by itself.

Action Steps: Notification

Provide ways to inform people who are deaf or hard of hearing of an impending disaster if you use emergency warning systems such as sirens or other audible alerts.

When the electric power supply is affected, it may be necessary to use several forms of notification. These might include the use of telephone calls, auto-dialed TTY (teletypewriter) messages, text messaging, E-mails, and even direct door-to-door contact with pre-registered individuals.

Also, you should consider using open-captioning on local TV stations in addition to incorporating other innovative uses of technology into such procedures, as well as lower-tech options such as dispatching qualified sign language interpreters to assist in broadcasting emergency information provided to the media.



A woman who is deaf reads a captioned evacuation notice on her television.



A police officer uses hand gestures and a printed note to tell a woman who is deaf that she needs to evacuate her home.

EVACUATION

Individuals with disabilities will face a variety of challenges in evacuating, depending on the nature of the emergency. People with a mobility disability may need assistance leaving a building without a working elevator. Individuals who are blind or who have limited vision may no longer be able to independently use traditional orientation and navigation methods. An individual who is deaf may be trapped somewhere unable to communicate with anyone because the only communication device relies on voice. Procedures should be in place to ensure that people with disabilities can evacuate the physical area in a variety of conditions and with or without assistance.

Action Steps: Evacuation of People with Disabilities

Adopt policies to ensure that your community evacuation plans enable people with disabilities, including those who have mobility, vision, hearing, or cognitive disabilities, mental illness, or other disabilities, to safely self-evacuate or to be evacuated by others. Some communities are instituting voluntary, confidential registries of persons with disabilities who may need individualized evacuation assistance or notification. If you adopt or maintain such a registry, have procedures in place to ensure its voluntariness, guarantee confidentiality controls, and develop a process to update the registry. Also consider how best to publicize its availability. Whether or not a registry is used, your plan should address accessible transportation needs for people who use wheelchairs, scooters, or other mobility aids as well as people who are blind or who have low vision.



A transit bus equipped with a wheelchair lift is used to evacuate individuals and families.

Both public and private transportation may be disrupted due to overcrowding, because of blocked streets and sidewalks, or because the system is not functioning at all. The movement of people during an evacuation is critical, but many people with disabilities cannot use traditional, inaccessible transportation.

Action Steps: Evacuation with Accessible Vehicles

Identify accessible modes of transportation that may be available to help evacuate people with disabilities during an emergency. For instance, some communities have used lift-equipped school or transit buses to evacuate people who use wheelchairs during floods.



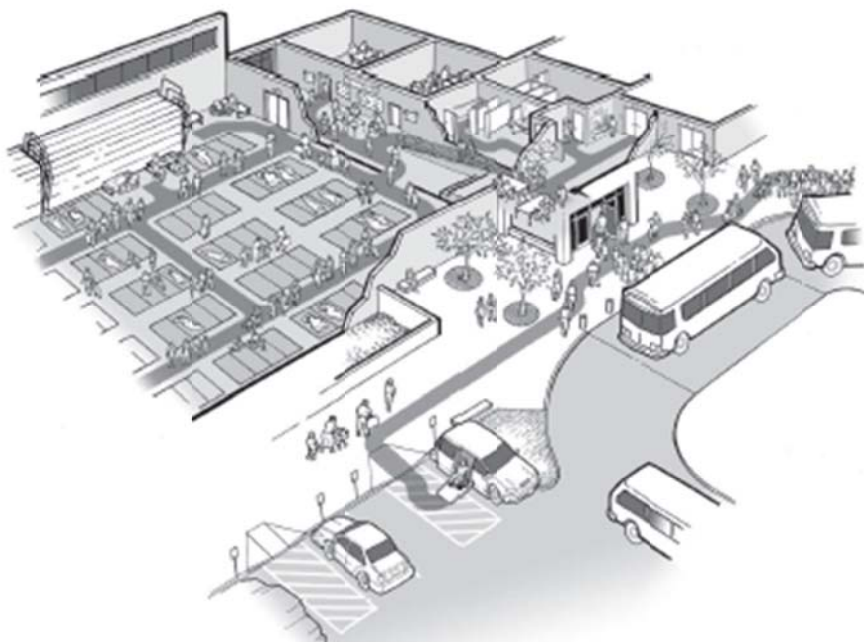
A lift-equipped school bus is used to evacuate an individual using a wheelchair and her family.

SHELTERING

When disasters occur, people are often provided safe refuge in temporary shelters. Some may be located in schools, office buildings, tents, or other areas. Historically, great attention has been paid to ensuring that those shelters are well stocked with basic necessities such as food, water, and blankets. But many of these shelters have not been accessible to people with disabilities. Individuals using a wheelchair or scooter have often been able somehow to get to the shelter, only to find no accessible entrance, accessible toilet, or accessible shelter area.

Action Steps: Accessible Shelters

Survey your community's shelters for barriers to access for persons with disabilities. For instance, if you are considering incorporating a particular high school gymnasium into your sheltering plan, early in the process you should examine its parking, the path to the gymnasium, and the toilets serving the gymnasium to make sure they are accessible to people with disabilities. If you find barriers to access, work with the facility's owner to try to get the barriers removed. If you are unable to do so, consider another nearby facility for your community sheltering needs.



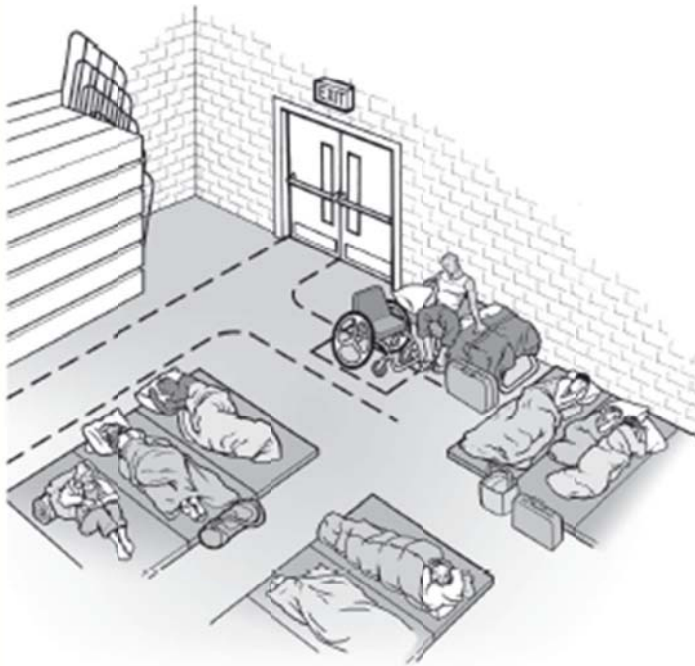
A shelter with accessible features including parking, drop-off area, entrance, toilet rooms, and sleeping areas.

Until all of your emergency shelters have accessible parking, exterior routes, entrances, interior routes to the shelter area, and toilet rooms serving the shelter area; you should identify and widely publicize to the public, including persons with disabilities and the organizations that serve them, the locations of the most accessible emergency shelters.

Shelter staff and volunteers are often trained in first aid or other areas critical to the delivery of emergency services, but many have little, if any, familiarity with the needs of people with disabilities. In some instances, people with disabilities have been turned away from shelters because of volunteers' lack of confidence regarding the shelter's ability to meet their needs. Generally, people with disabilities may not be segregated or told to go to "special" shelters designated for their use. They should ordinarily be allowed to attend the same shelters as their neighbors and coworkers.

Action Steps: Input on Shelter Planning and Staff Training

Invite representatives of group homes and other people with disabilities to meet with you as part of your routine shelter planning. Discuss with them which shelters they would be more likely to use in the event of an emergency and what, if any, disability-related concerns they may have while sheltering. Develop site-specific instructions for your volunteers and staff to address these concerns.



A individual who uses a wheelchair sits on a cot that is placed against a wall. The height of the bed and the wheelchair seat are of similar height making it possible for this person to transfer from the wheelchair to the bed.



A shelter worker helps a person onto a cot using a portable lift provided by the shelter.



A shelter worker helps a man transfer onto a cot.

Many shelters have a “no pets” policy and some mistakenly apply this policy to exclude service animals such as guide dogs for people who are blind, hearing dogs for people who are deaf, or dogs that pull wheelchairs or retrieve dropped objects. When people with disabilities who use service animals are told that their animals cannot enter the shelter, they are forced to choose between safety and abandoning a highly trained animal that accompanies them everywhere and allows them to function independently.

Action Steps: Service Animals

Adopt procedures to ensure that people with disabilities who use service animals are not separated from their service animals when sheltering during an emergency, even if pets are normally prohibited in shelters. While you cannot unnecessarily segregate persons who use service animals from others, you may consider the potential presence of persons who, for safety or health reasons, should not be with certain types of animals.



A man using a wheelchair arrives at a shelter with his family and service animal.



A woman has a service animal lying on the floor next to her cot.

Individuals whose disabilities require medications, such as certain types of insulin that require constant refrigeration, may find that many shelters do not provide refrigerators or ice-packed coolers. Individuals who use life support systems and other devices rely on electricity to function and stay alive and, in many cases, may not have access to a generator or other source of electricity within a shelter.

Action Steps: Medications, Refrigeration, and Back-up Power

Ensure that a reasonable number of emergency shelters have back-up generators and a way to keep medications refrigerated (such as a refrigerator or a cooler with ice). These shelters should be made available on a priority basis to people whose disabilities require access to electricity and refrigeration, for example, for using life-sustaining medical devices, providing power to motorized wheelchairs, and preserving certain medications, such as insulin, that require refrigeration. The public should be routinely notified about the location of these shelters. In addition, if you choose to maintain a confidential registry of individuals needing transportation assistance, this registry could also record those who would be in need of particular medications. This will facilitate your planning priorities.



A person using a wheelchair picks up medication at the shelter.

People who are deaf or hard of hearing may not have access to audible information routinely made available to people in the temporary shelters. Individuals who are blind or who have low vision will not be able to use printed notices, advisories, or other written information.

Action Steps: Communications

Adopt procedures to provide accessible communication for people who are deaf or hard of hearing and for people with severe speech disabilities. Train staff on the basic procedures for providing accessible communication, including exchanging notes or posting written announcements to go with spoken announcements. Train staff to read printed information, upon request, to persons who are blind or who have low vision.



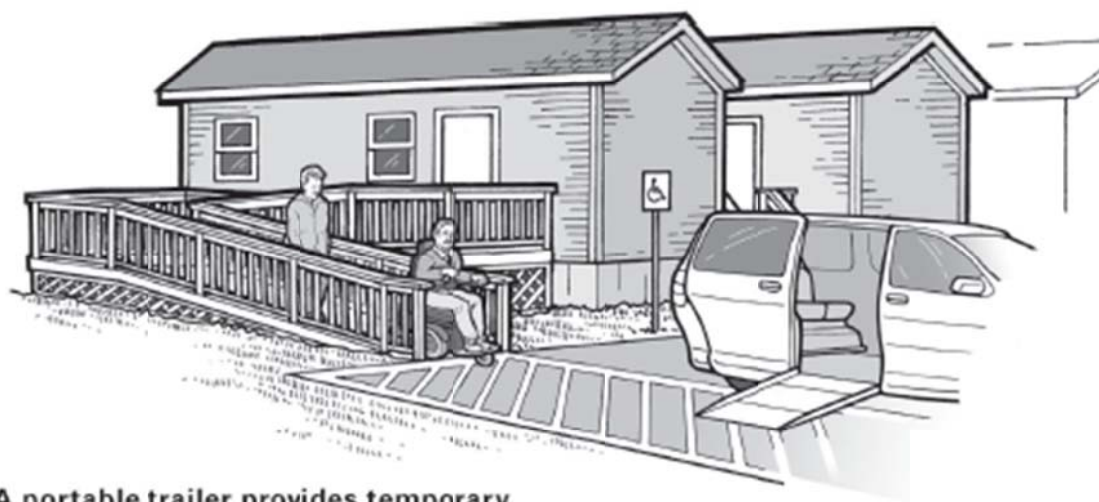
A shelter worker reads printed information to a woman who is blind.

RETURNING HOME

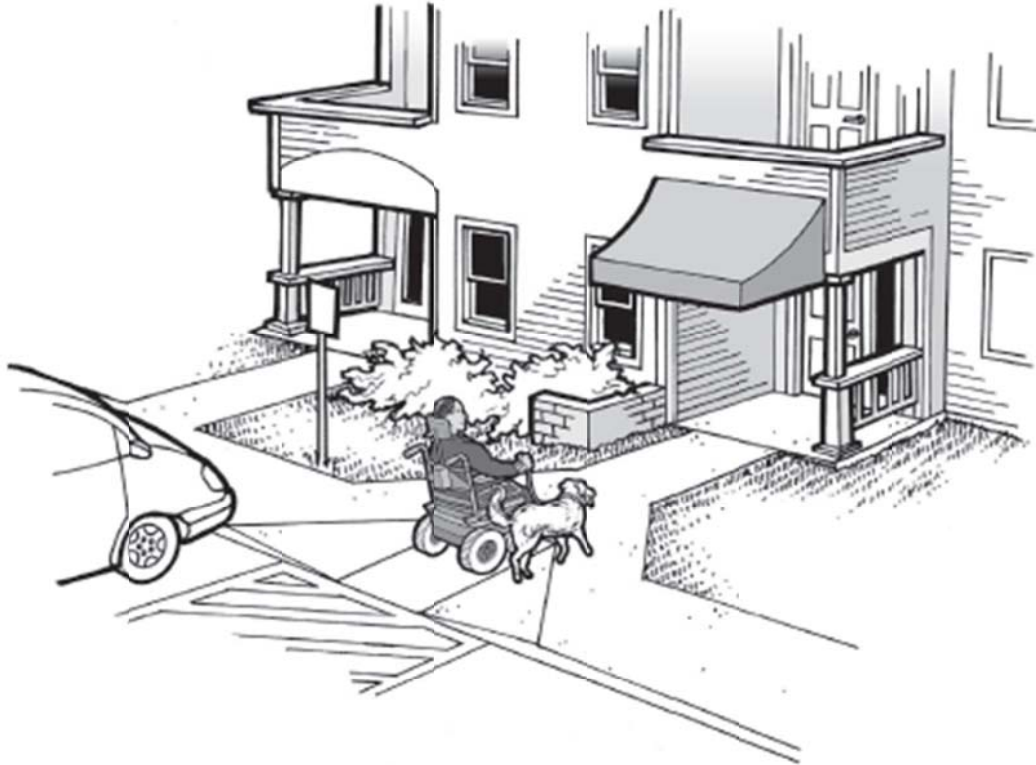
The needs of individuals with disabilities should be considered, too, when they leave a shelter or are otherwise allowed to return to their home. If a ramp has been destroyed, an individual with a mobility impairment will be unable to get into and out of the house. In case temporary housing is needed past the stay at the shelter, your emergency response plan could identify available physically accessible short-term housing, as well as housing with appropriate communication devices, such as TTY's, to ensure individuals with communication disabilities can communicate with family, friends, and medical professionals.

Action Steps: Planning

Identify temporary accessible housing (such as accessible hotel rooms within the community or in nearby communities) that could be used if people with disabilities cannot immediately return home after a disaster if, for instance, necessary accessible features such as ramps or electrical systems have been damaged.



A portable trailer provides temporary accessible housing for an individual who uses a wheelchair and his family. In addition to accessible features inside, the trailer also has an accessible entrance, accessible parking, and the trailer is located on an accessible route to other site features in the mobile home park.



A man using a wheelchair and his service animal enters temporary accessible housing provided in an apartment building.

CONTRACTING FOR EMERGENCY SERVICES

Many local governments provide emergency services through contracts with other local governments or private relief organizations. These entities may not fully understand the role they need to play in meeting your obligation to provide accessible emergency services.

Action Steps: Contracting for Emergency Services

Make sure that contracts for emergency services require providers to follow appropriate steps outlined in this document. Review the terms of these contracts on a regular basis to ensure that they continue to meet the accessibility needs of people with disabilities. Provide training to contractors so that they understand how best to coordinate their activities with your overall accessibility plan for emergency services.

NOTICE

Portions of this chapter may not fully reflect the current ADA regulations. The [regulation implementing title II](#) of the ADA was revised as recently as 2016. Revised [ADA Standards for Accessible Design \(2010 Standards\)](#) were issued on September 15, 2010 and went into effect on March 15, 2012.

Chapter 7

Emergency Management Under Title II of the ADA

In this Chapter, you will learn how to make emergency management programs, services, and activities accessible to everyone, including people with disabilities. Chapter 7 answers the following questions:

- What does emergency management cover?
- How does the ADA apply to emergency management?
- What are some of the common problems faced by people with disabilities in accessing emergency- and disaster-related services, programs, activities, and facilities?
- What are some of the steps that state and local governments can take to make emergency- and disaster-related services, programs, activities, and facilities accessible to people with disabilities?

A. ADA Basics for Emergency Management

One of the primary responsibilities of state and local governments is to protect residents and visitors from harm, including assistance in preparing for, responding to, and recovering from emergencies and disasters. State and local governments must comply with Title II of the ADA in the emergency- and disaster-related programs, services, and activities they provide.¹ This requirement applies to programs, services, and activities provided directly by state and local governments as well as those provided through third parties, such as the American Red Cross, private nonprofit organizations, and religious entities.² Under Title II of the ADA, emergency programs, services, activities, and facilities must be accessible to people with disabilities³ and generally may not use eligibility criteria that screen out or tend to screen out people with

¹ 42 U.S.C. § 12132; *see generally*, 28 C.F.R. §§ 35.130, 35.149.

² 28 C.F.R. § 35.130(b)(1).

³ 28 C.F.R. §§ 35.149 - 35.151.

disabilities.⁴ The ADA also requires making reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination against a person with a disability⁵ and taking the steps necessary to ensure effective communication with people with disabilities.⁶ The ADA generally does not require state or local emergency management programs to take actions that would fundamentally alter the nature of a program, service, or activity or impose undue financial and administrative burdens.⁷

B. What is Emergency Management?

Emergency management is wide-ranging. It includes all programs, services, and activities related to emergencies and disasters, including:

- Preparation - advance planning for emergencies and disasters;
- Testing of Preparedness - staging emergency simulations and other approaches to testing the effectiveness of emergency preparedness;
- Notification - alerting the public to emergencies and disasters and to available programs, services, and activities;
- Community Evacuation and Transportation;
- Emergency Shelter Programs;
- Temporary Lodging and Housing;
- Social Services and Emergency- and Disaster-Related Benefit Programs;
- Emergency Medical Care and Services;
- Relocation Programs, Activities, and Services;
- Transition and Transportation Back to the Community Following an Emergency or Disaster;

⁴ 28 C.F.R. § 35.130(b)(8).

⁵ 28 C.F.R. § 35.130(b)(7).

⁶ 28 C.F.R. §§ 35.160-35.164.

⁷ 28 C.F.R. §§ 35.130(b)(7), 35.150(a)(3), 35.164.

- Emergency and Disaster Recovery Programs, Services, and Activities; and
- Remediation of Damage Caused by Emergencies and Disasters - repairing and rebuilding damaged facilities, removing debris, and relocation and re-introduction of state and local government programs, services, and activities following an emergency or disaster.

C. Preparation -Advance Planning for Emergencies and Disasters

An emergency management plan is the all-important first step in ensuring an effective response to emergencies and disasters. Public officials, specialists from organizations such as the American Red Cross, and community members should work together to develop a comprehensive plan to prepare for emergencies. One good way to test your emergency management plan is to enlist people with disabilities to role-play during emergency simulations. Seeking and using input from people with a variety of disabilities, and organizations with expertise on disability issues, will help ensure that your emergency planning and preparedness meet the access needs of people with disabilities in your community with respect to all phases of emergency management.

D. Notification - Alerting the Public to an Emergency

Officials must act quickly to alert the public to an impending emergency situation. But many traditional emergency notification methods are not accessible to people with disabilities. People who are deaf will not hear radio, television, sirens, or other audible alerts. Those who are blind or who have low vision may not be aware of visual cues, such as flashing lights. State and local governments need to use warning methods that ensure all residents and visitors will have the information necessary to make sound decisions and take appropriate, responsible action.

Often, using a combination of notification methods will be more effective than relying on one method alone. For instance, combining visual and audible alerts will reach a greater audience than either method would alone. Auto-dialed text telephone (TTY) messages to pre-registered individuals who are deaf or hard of hearing, text messaging, emails, and other innovative uses of technology may be incorporated into such procedures. For announcements by government officials on local television stations, providing qualified sign language interpreters and open captioning will ensure that all people tuning in are able to access the

information provided. The emergency management plan should identify the steps that will be taken and the resources that will be used to ensure that emergency notifications will be accessible to all.

E. Community Evacuation and Transportation

In an emergency, people with disabilities may face a variety of challenges in evacuating to safety. A person with a mobility disability may need assistance leaving a building without a working elevator. Individuals who are blind or who have low vision may no longer be able to independently use traditional orientation and navigation methods. A deaf person may be trapped somewhere unable to communicate with anyone because the only available communication device relies on voice. State and local governments need to establish procedures to ensure that people with disabilities can evacuate the area of an emergency in a variety of conditions, with assistance when it is needed.

One step that can significantly increase the effectiveness of your planning process is to create a voluntary, confidential registry of persons with disabilities who may need individualized notification or evacuation assistance. Setting up a voluntary registry requires that procedures be implemented to ensure that the registry is voluntary, confidentiality is protected, and information is updated as needed.

Both public and private transportation may be disrupted due to overcrowding, because of blocked streets and sidewalks, or because the transit system is not functioning at all. **The movement of people during an evacuation is critical, but many people, because of their disabilities, cannot drive or use traditional, inaccessible transportation.** Thus, emergency plans must identify accessible forms of transportation (i.e., vehicles equipped with wheelchair lifts) available to help evacuate people with disabilities. For instance, some communities have used lift-equipped school buses, transit buses, or paratransit vehicles to evacuate people who use wheelchairs or scooters. Some people with disabilities will be able to reach mass evacuation pick-up locations independently, while others may be unable to leave their homes without assistance. Evacuation and emergency transportation plans should address the evacuation-related needs of people with disabilities.

F. Emergency Shelter Programs

When emergencies arise, communities often provide residents and visitors with safe refuge in temporary shelters. Shelters are sometimes operated by

government entities themselves. More often, they are operated by a third party. Regardless of who operates a shelter, the ADA generally requires shelter operations to be conducted in a way that offers people with disabilities the same benefits - e.g., safety, comfort, food, medical care, the support of family and friends - provided to people without disabilities. Because sheltering programs are critical to ensuring the safety of people with disabilities in emergencies and disasters, ADA requirements for sheltering are discussed in greater detail in two stand-alone technical assistance documents that state and local governments can provide to shelter operators to assist them in planning to meet the needs of people with disabilities in the shelter environment. While these technical assistance documents do not address all ADA compliance issues that may arise in emergency shelters, they address a number of the most common access problems.

The first of these technical assistance documents - "The ADA and Emergency Shelters: Access for All in Emergencies and Disasters" is in Addendum 2 to this Chapter at www.ada.gov/pcatoolkit/chap7shelterprog.htm. It discusses the ADA's nondiscrimination requirements for shelter programs. The second technical assistance document - "ADA Checklist for Emergency Shelters" is in Addendum 3 to this Chapter at www.ada.gov/pcatoolkit/chap7sheltercheck.htm. The Checklist includes two assessment tools to help state and local governments and emergency shelter operators ensure that emergency shelters provide access to all: (1) a preliminary survey tool that will help in deciding if a facility has the accessibility characteristics that make it a good candidate for a potential emergency shelter, and (2) a more detailed checklist that will help identify the most common architectural barriers to access for people with disabilities found at emergency shelters.

G. Access to Social Services, Temporary Lodging or Housing, and Other Benefit Programs

State and local governments often provide social services and other benefit programs to assist people harmed by emergencies and disasters. These programs need to be accessible to all, including people with disabilities. Following are some important points to remember:

- Application procedures should not limit access by people with disabilities. For example, programs that require people to apply by telephone may exclude people who are deaf or hard of hearing. Inaccessible web-based application procedures and printed application forms may exclude people who are blind or have low vision. Programs that require in-person applications may exclude people who, because of their disabilities, are

unable to leave shelters or their homes. Procedures that allow people to apply in different ways - providing auxiliary aids and services and reasonable modifications to application procedures when people with disabilities need them - is the most effective way to ensure equal access.

- Information about social services and other benefit programs should be available in formats that people with communication disabilities can use. For example, during emergencies, announcements about the availability of social services and other benefits are often made orally, whether in radio and television broadcasts or in public announcements at emergency shelters. People who are deaf or hard of hearing may not receive information about these programs unless television broadcasts have open captions, materials describing the programs are posted on websites, or public announcements are translated by a sign language interpreter or posted on shelter bulletin boards.
- Crisis counseling services will not be accessible to people who are deaf or hard of hearing unless appropriate auxiliary aids and services are provided. In addition, these services need to be offered in physically accessible locations so people with mobility disabilities can use them.
- Temporary lodging or housing programs will not be accessible to people with mobility disabilities or people who are deaf or hard of hearing unless accessible hotel rooms or accessible temporary housing is available. People with disabilities may be unable to utilize temporary lodging or housing programs without assistance in locating a hotel room or housing that meets their disability-related needs, or without accessible transportation. To prepare for the potential need for temporary housing, identify in your emergency response plan available physically accessible short-term housing, as well as housing with appropriate communication devices, such as TTY's. Temporary accessible housing (such as nearby accessible hotel rooms) may be used if people with disabilities cannot immediately return home after a disaster.

Access to Temporary Housing

People with disabilities may have more difficulty locating temporary housing or lodging than others. For example, someone with a mobility disability may need to personally verify that an entrance to an apartment has no steps or that the accessible features of a bathroom or kitchen meet his needs. Some people who are blind or have low vision may not be able to locate addresses in an unfamiliar community or determine if an apartment is clean and safe without assistance. For these reasons people with disabilities may need extra time and help, including transportation assistance, in locating housing.

H. Repairing and Rebuilding

Emergencies and disasters often damage state and local government facilities. In the recovery stage of emergency management, state and local governments often make alterations to facilities to repair such damage, construct facilities to replace those that were destroyed or extensively damaged, or move government programs, services, and activities from damaged facilities to other locations. When constructing new or replacement facilities and repairing damaged facilities, state and local governments must comply with the accessibility requirements of Title II of the ADA. They may choose from two design standards for new construction and alterations - either the Uniform Federal Accessibility Standards (UFAS) or the ADA Standards for Accessible Design (ADA Standards). If the ADA Standards are chosen, public entities are not entitled to the elevator exemption contained in § 4.1.3(5) of the Standards. If the building was newly constructed or altered after the ADA went into effect, then the design standard used at that time must be followed for the rebuilding. Alterations to facilities must not decrease accessibility.

State or local government facilities constructed after January 26, 1992 and alterations to such facilities must comply with the new construction requirements of Title II of the ADA.⁸ Alterations to facilities constructed before the ADA became effective, must comply with Title II's requirements for alterations to existing facilities.⁹ Under the ADA Standards, alterations to primary function

⁸28 C.F.R. § 35.151.

⁹28 C.F.R. § 35.151.

areas of existing facilities trigger a "path of travel" requirement - i.e., a requirement to make the path of travel from the entrance to the altered area accessible, including telephones, restrooms, and drinking fountains serving the altered area.¹⁰ Primary function areas are those where major activities take place. But a public entity is not required to spend more than 20 percent of the cost of the original alteration on making the path of travel accessible, even if this cost limitation results in less than full accessibility. Under UFAS, if an existing facility undergoes a "substantial alteration," the public entity must provide (1) an accessible route from public transportation, parking, streets, and sidewalks to all accessible parts of the building; (2) an accessible entrance; and (3) accessible restrooms.¹¹ A "substantial alteration" for purposes of UFAS is where the total cost of all alterations in a 12-month period amounts to 50 percent or more of the value of the building.

When moving programs from a damaged facility to another location, state and local governments must ensure that the programs remain accessible to people with disabilities.¹² This requirement applies whether the program is relocated permanently or temporarily.

I. Steps to Ensure Access for All in Emergencies and Disasters

Here are some steps you can take now to ensure that emergency management programs, services, and activities are accessible to everyone, including people with disabilities.

Advance Planning: On an on-going basis, seek and use input from people with different types of disabilities (*i.e.*, mobility, vision, hearing, cognitive, psychiatric, and other disabilities) regarding all phases of your emergency management plan, including:

- preparation;
- notification;
- evacuation and transportation;

¹⁰ 28 C.F.R. Part 36, Appendix A, § 4.1.6(2).

¹¹ 41 C.F.R. Part 101 -19.6, Appendix A, § 4.1.6(3).

¹² 28 C.F.R. §§ 35.149 - 35.151.

- sheltering;
- first aid and medical services;
- temporary lodging and housing;
- transition back to the community;
- clean up; and
- other emergency- and disaster-related programs, services, and activities.

Voluntary Registry: Create voluntary, confidential registries of persons with disabilities who may need individualized evacuation assistance, transportation, and/or notification. Establish procedures to ensure the registry's voluntariness, guarantee confidentiality controls, and develop a process to update the registry when needed. Publicize the availability of the registry.

Notification: If you use emergency warning systems such as sirens or other audible alerts, provide ways to provide people who are deaf or hard of hearing prompt notice of an impending disaster. Combine visual and audible alerts to reach a greater audience than either method would by itself. Consider using telephone calls, auto-dialed TTY (teletypewriter) messages, text messaging, emails, and even direct door-to-door contact with pre-registered individuals. Also, consider using open captioning on local TV stations, and dispatching qualified sign language interpreters to assist in broadcasting emergency information provided to the public.

Ensure Access for People with Disabilities Who Use Service

Animals: Modify "no pets" policies to enable people with disabilities to evacuate, use emergency transportation, stay in shelters, and participate in all emergency- and disaster-related programs together with their service animals. Teach first responders and the employees, volunteers, and third parties who perform emergency- and disaster-related functions that people with disabilities should not be separated from their service animals even in places where pets are typically not allowed. Only two questions may be asked to determine if an animal is a service animal: (1) Is this animal a service animal required because of a disability? (2) What tasks or work has this animal been trained to perform? If the answers to these questions reveal that an animal has been trained to provide assistance to a person with a disability, that person should be able to access services,

programs, activities, and facilities while accompanied by his service animal. Service animals do not require certification, identification cards or licenses, special equipment, or professional training.

Evacuation and Return Home: Adopt policies to ensure that your community evacuation and recovery plans enable people with disabilities, including those who have mobility, vision, hearing, cognitive, and psychiatric disabilities to safely self-evacuate, to be evacuated by others, and to return home.

Transportation: Some people with disabilities will need accessible transportation. Identify accessible modes of transportation, such as wheelchair lift-equipped school buses, transit buses, paratransit vehicles, and taxis that will be available to evacuate people with disabilities during an emergency. Ensure that transportation plans address people with disabilities' needs to transport mobility aids, such as wheelchairs or scooters, oxygen tanks or other medical equipment, and service animals.

Shelters - Policies: Review your sheltering program to ensure that rules, policies, and procedures comply with ADA requirements. Use the Department of Justice's technical assistance publication, "The ADA and Emergency Shelters: Access for All in Emergencies and Disasters," which is located in Addendum 2 to this Chapter and at www.ada.gov/pcatoolkit/chap7shelterprog.htm. All shelter operators need to know the ADA requirements discussed in this Chapter, including the Addenda. If your sheltering program is operated through any third parties, provide them with a copy of these materials.

Shelters - Physical Accessibility: Survey your community's current shelters for barriers to access for persons with disabilities. Use the Department of Justice's "ADA Checklist for Emergency Shelters," which is located in Addendum 3 to this Chapter, and at www.ada.gov/pcatoolkit/chap7sheltercheck.htm.

- **If you find barriers to access, remove the barriers or work with the facility's owner to remove them.**
- **If barriers remain, find another nearby facility that is or can be made accessible. In identifying new or alternative shelter locations, use the preliminary survey tool which will help you determine if a facility is a good candidate for a potential emergency shelter.**

- Until all emergency shelters have accessible parking, exterior routes, entrances, interior routes to the shelter area, sleeping and recreational areas, dining facilities, and toilet/bathing rooms, **identify and widely publicize to the public, including persons with disabilities and organizations with expertise on disability issues, the locations of the most accessible emergency shelters and the accessible features they provide.**
- Adopt procedures to ensure that shelter staff and volunteers **maintain accessible routes and minimize protruding objects.**

Social Services and Other Benefit Programs: Review your social service and other emergency- and disaster-related programs, services, and activities to ensure that people with disabilities have an equal opportunity to apply for and benefit from them.

- Ensure that eligibility criteria do not unnecessarily screen out or tend to screen out people with disabilities - e.g., requiring a driver's license excludes people who, because of their disability, cannot drive; requiring a telephone number excludes many people who are deaf or have a speech disability.
- Ensure that architectural barriers do not deny access to people with mobility disabilities.
- Ensure that communication barriers do not deny access to people with disabilities. Establish policies and procedures to provide the auxiliary aids and services needed to communicate effectively with people with disabilities, giving primary consideration to the auxiliary aids and services requested by an individual with a disability.
- Provide training so that employees and volunteers who staff these programs understand their ADA obligation to provide effective communication and make reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination against people with disabilities.

Incident Management: During emergencies and disasters, first responders, emergency transportation drivers, and shelter staff often have questions about how to handle issues that arise. When these issues involve people with disabilities, ADA obligations are often implicated. Consider appointing one or more persons knowledgeable on ADA requirements and disability issues (ADA Incident Managers) who will be

on-call throughout emergencies and disasters to provide quick guidance on issues that may involve the ADA and/or a person with a disability.

Recovery: During disasters, government facilities can be damaged or destroyed. When altering or rebuilding after a disaster, ensure that alterations to facilities and the design and construction of new or replacement facilities comply with all applicable federal accessibility requirements.

DRAFT

NOTICE

Portions of this addendum may not fully reflect the current ADA regulations. The [regulation implementing title II](#) of the ADA was revised as recently as 2016. Revised [ADA Standards for Accessible Design \(2010 Standards\)](#) were issued on September 15, 2010 and went into effect on March 15, 2012.

Chapter 7 Addendum 2: The ADA and Emergency Shelters: Access for All in Emergencies and Disasters

One of government's primary responsibilities is to protect residents and visitors. Providing emergency shelter during disasters and emergencies is a basic way of carrying out this duty. Shelters are sometimes operated by government entities themselves. More commonly, though, shelters are operated for the state or local government by a third party - often the American Red Cross. Regardless of who operates a shelter, the Americans with Disabilities Act (ADA) generally requires shelters to provide equal access to the many benefits that shelters provide, including safety, food, services, comfort, information, a place to sleep until it is safe to return home, and the support and assistance of family, friends, and neighbors.¹ In general, the ADA does not require any action that would result in a fundamental alteration in the nature of a service, program, or activity or that would impose undue financial and administrative burdens.² This Addendum discusses some of the key issues that emergency managers and shelter operators need to address in order to comply with the ADA when they plan for and provide shelter during emergencies and disasters. Although this Addendum focuses primarily on issues affecting shelter residents with disabilities, these issues are also generally applicable to volunteers and employees with disabilities.

A. Advance Planning

- **Equal access requires advance planning.** During emergencies and disasters, people with disabilities sometimes have different, disability-related needs than other individuals. Many of these needs cannot be met during emergencies and disasters without advance planning. For example, if a person's health will be jeopardized without access to life-sustaining medication that must be refrigerated, an emergency shelter will be of little use to him unless he has access to the required medication and a way to keep it sufficiently cold. Resources of this kind will likely be unavailable unless emergency managers and shelter operators arrange to have them available well before an emergency or disaster occurs.

¹ 28 C.F.R. §§ 35.130, 35.149.

² 28 C.F.R. §§ 35.130(b)(7), 35.150(a)(3), 35.164.

To provide equal access to people with disabilities, effective advance planning requires at least two steps: (1) identify the disability-related needs of the residents and visitors likely to be housed in a shelter, and (2) make the advance arrangements necessary to meet those needs in the event an emergency or disaster strikes. The most effective way for emergency managers and shelter operators to ensure that advance planning addresses the needs of people with disabilities in their community is to involve community members with a wide variety of disabilities in the advance planning process. These individuals will be able to identify the types of disability-related needs that community residents and visitors are likely to have during emergencies as well as some of the community resources that may be available to help meet those needs.

To help in the advance planning process, the following sections of this Addendum identify some of the more common disability-related needs that shelter residents are likely to have. However, since people with different disabilities will typically have different needs, the issues addressed in this document are not exhaustive. Each community will have disability-related issues specific to its own residents and visitors that need to be identified and addressed. These issues are also likely to change over time as residents move into and out of communities and as changes occur in the types of equipment, medication, and technology that people with disability use.

B. Accessibility

- **Ensure that the sheltering program is accessible to people with disabilities.** Disasters and emergencies are unpredictable. Even the best emergency managers cannot say with certainty when an emergency will strike, how extensive the damage will be, and which shelters will remain available to house people who must evacuate their homes. For most people, any building designated as a shelter will meet their basic emergency needs so long as it provides a safe place to eat, sleep, and take care of personal hygiene needs. But an emergency shelter is of little use to a person using a wheelchair if it has steps at the entrance or toilet rooms she cannot use.

Under the ADA, emergency sheltering programs must not exclude or deny benefits to people with disabilities.³ Emergency managers and shelter

³ 28 C.F.R. §§ 35.130, 35.149.

operators should therefore seek to ensure that shelters are physically accessible to people with disabilities, including people who use wheelchairs. Before designating a facility as an emergency shelter, emergency managers and shelter operators need to determine if it is accessible. Elements such as a shelter's parking, walkway to the entrance, entrance, toilets, bathing facilities, drinking fountains, sleeping area, food distribution and dining quarters, first aid/medical unit, emergency notification system, and other activity and recreation areas need to be examined for barriers. Government facilities built since 1992 and private business facilities built since 1993 are often the best candidates for emergency shelters because they were subject to ADA requirements for physical accessibility when they were built.⁴ Some older facilities have been altered to provide physical accessibility⁵ or can be made physically accessible by using temporary measures stored on site and readily available for use in the event an emergency occurs. Other older facilities are poor candidates for emergency shelters because they have barriers that are too expensive or infeasible to remove. For guidance on emergency shelter accessibility, please see the Department of Justice's "ADA Checklist for Emergency Shelters" at www.ada.gov/pcatoolkit/chap7sheltercheck.htm. The checklist includes two assessment tools to ensure that emergency shelters provide access to all: (1) a preliminary checklist that will help emergency managers and shelter operators decide if a facility has the characteristics that make it a good candidate for a potential emergency shelter, and (2) a more detailed checklist that will help identify and remove the most common barriers to physical accessibility.

Emergency managers and shelter operators need to ensure that sheltering programs are accessible to people with disabilities, including individuals who use wheelchairs.

⁴ 28 C.F.R. § 35.151(a) (for public facilities); 28 C.F.R. § 36.406 (for private facilities that are subject to the requirements of Title III of the ADA because they are public accommodations or commercial facilities).

⁵ 28 C.F.R. § 35.151(b) (for public facilities); 28 C.F.R. §§ 36.402 - 36.405 (for private facilities that are subject to the requirements of Title III of the ADA because they are public accommodations or commercial facilities).

C. Eligibility Criteria

Shelters are usually divided into two categories: (1) "mass care" shelters, which serve the general population, and (2) "special needs" or "medical" shelters, which provide a heightened level of medical care for people who are medically fragile. Special needs and medical shelters are intended to house people who require the type and level of medical care that would ordinarily be provided by trained medical personnel in a nursing home or hospital.

- **House people with disabilities in mass care shelters.** Emergency managers and shelter operators sometimes wrongly assume that people need to be housed in special needs or medical shelters simply because they have a disability. But most people with disabilities are not medically fragile and do not require the type or level of medical care that special care and medical shelters are intended to provide. The ADA requires people with disabilities to be accommodated in the most integrated setting appropriate to their needs,⁶ and the disability-related needs of people who are not medically fragile can typically be met in a mass care shelter. For this reason, people with disabilities should generally be housed with their families, friends, and neighbors in mass care shelters and **not** be diverted to special needs or medical shelters.

To comply with the ADA's integration requirement, emergency managers and shelter operators need to plan to house people with a variety of disabilities in mainstream mass care shelters, including those with disability-related needs for some medical care, medication, equipment, and supportive services. Emergency managers and shelter operators must also ensure that eligibility criteria for mass care shelters do not unnecessarily screen out people with disabilities who are not medically fragile based on erroneous assumptions about the care and accommodations they require.

- **Respect the right of people with disabilities to make choices about where to shelter.** In some communities, emergency managers have designated shelters specifically for individuals with disabilities or individuals with a specific type of disability. For example, a community with a school for students who are deaf may designate that facility as an emergency shelter for people who are deaf. While the ADA does not prohibit offering these types of emergency shelters,⁷ it generally does prohibit emergency managers and shelter operators from requiring people with disabilities or

⁶ 28 C.F.R. § 35.130(d).

⁷ 28 C.F.R. § 35.130(b)(2) - (c).

people with a specific type of disability to stay in such shelters.⁸ The ADA requires emergency managers and shelter operators to accommodate people with disabilities in the most integrated setting appropriate to their needs, which is typically a mass care shelter.

- **House people with disabilities in mass care shelters even if they are not accompanied by their personal care aides.** Some people with disabilities use personal care assistance for activities of daily living, such as eating, dressing, routine health care, and personal hygiene needs. One question that frequently arises is whether people with disabilities who use attendant care can be appropriately housed in mass care shelters. In most instances, they can. Most people with disabilities who use attendant care are not medically fragile and do not require the heightened level of medical care provided in a special needs or medical shelter.

In the past, some shelter operators maintained policies that prevented people with disabilities who regularly use attendant care from entering mass care shelters unless they were accompanied by their own personal care attendants. These policies denied access to many people with disabilities.

During emergencies, many personal care attendants - like other people - evacuate or shelter with their own families instead of staying with their clients. Shelter operators should provide support services in mass care shelters to accommodate people with disabilities who are not medically fragile but need some assistance with daily living activities unless doing so would impose an undue financial and administrative burden. Such assistance can be provided by medical personnel or trained volunteers.

Local governments and shelter operators may not make eligibility for mass care shelters dependent on a person's ability to bring his or her own personal care attendant.

- **Make arrangements in advance to ensure that special needs and medical shelters have sufficient numbers of adequately trained medical staff and volunteers.** Special needs and medical shelters house people with disabilities who require the heightened medical care that is ordinarily provided in nursing homes and hospitals. However, in the past, these shelters have often had too few qualified staff - or relied too heavily

⁸ 28 C.F.R. § 35.130(b)(2), (e)(1).

on volunteers with minimal training - to provide adequate care to the medically fragile people they house.

Advance planning is the only way emergency managers and shelter operators can secure enough trained medical personnel and adequately trained volunteers to ensure the safety and comfort of residents of special needs and medical shelters.

- **Keep families together whenever possible, even in special needs and medical shelters.** Family members provide each other the support and assistance necessary to cope with emergencies and disasters. During these difficult times, separation from family members increases loneliness, worry, and additional stress. But while most families have been able to stay together during emergencies, individuals with disabilities have often been unnecessarily separated from their families because many special needs and medical shelters do not allow them to be accompanied by more than one person.

In disasters and emergencies, people are ordinarily allowed to shelter with their families. This benefit needs to be available to persons with disabilities as it is for everyone else. Of course, some people in special needs and medical shelters may need to be housed in medical wards apart from their families because of critical medical needs, but their families should still be housed nearby.

D. Reasonable Modifications

The ADA generally requires emergency managers and shelter operators to make reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination.⁹ A reasonable modification must be made unless it would impose an undue financial and administrative burden.¹⁰ The following are examples of reasonable modifications that emergency managers and shelter operators will generally need to make:

- **Modify "no pets" policies to welcome people who use service animals.** Many emergency shelters do not allow residents or volunteers to bring their pets inside. But shelters must generally modify "no pets" policies to allow people with disabilities to be accompanied by their service animals.

⁹ 28 C.F.R. § 35.130(b)(7).

¹⁰ 28 C.F.R. § 35.130(b)(7).

A service animal is not a pet. Under the ADA, a service animal is any animal that is individually trained to provide assistance to a person with a disability. Most people are familiar with dogs that guide people who are blind or have low vision. But there are many other functions that service animals perform for people with a variety of disabilities. Examples include alerting people who are deaf or hard of hearing to sounds; pulling wheelchairs; carrying or retrieving items for people with mobility disabilities or limited use of arms or hands; assisting people with disabilities to maintain their balance; and alerting people to, and protecting them during, medical events such as seizures.

How can a service animal be identified? Service animals come in all breeds and sizes. Many are easily identified because they wear special harnesses, capes, vests, scarves, or patches. Others can be identified by the functions they perform for people whose disabilities can be readily observed. When none of these identifiers are present, shelter staff may ask only two questions to determine if an animal is a service animal: (1) "Do you need this animal because of a disability?" and (2) "What tasks or work has the animal been trained to perform?" If the answers to these questions reveal that the animal has been trained to work or perform tasks for a person with a disability, it qualifies as a service animal and must generally be allowed to accompany its owner anywhere other members of the public are allowed to go, including areas where food is served and most areas where medical care is provided. Questions about the nature or severity of a person's disability or ability to function may not be asked. It is also inappropriate to question a person's need for a service animal or to exclude a service animal on the grounds that shelter staff or volunteers can provide the assistance normally provided by the service animal.

- **Modify kitchen access policies for people with medical conditions that may require access to food.** Most shelter operators restrict residents' and volunteers' access to the kitchen to preserve food and beverage supplies and maintain efficient kitchen operations. But people with medical conditions such as diabetes may need immediate access to food to avoid serious health consequences. Shelter operators need to make reasonable modifications to kitchen policies so that residents and volunteers with disability-related needs can have access to food and beverages when needed.
- **Modify sleeping arrangements to meet disability-related needs.** To maximize efficiency, shelter operators typically provide one standard type of cot or mat for use by shelter residents. However, some people have disability-related needs for cots to be modified or may need to sleep on cots or beds instead of on mats placed on the floor. For example, a person with

muscular dystrophy may require a cot with a very firm mattress to provide the physical support needed to facilitate breathing. Similarly, many people with mobility disabilities will be unable to use a sleeping mat placed on the floor. For example, many people using wheelchairs or scooters will be unable to safely transfer on and off a cot or bed unless it is firmly anchored so it does not move and has a firm sleeping surface that is 17 - 19 inches above the floor. Shelter operators need to establish procedures that people with disabilities can use to request reasonable modifications to sleeping arrangements.

E. Effective Communication

From the moment people begin to arrive at a shelter, good communication between staff, volunteers, and residents is essential. Many shelter residents and volunteers might have communication-related disabilities, including those who are deaf or hard of hearing and those who are blind or who have low vision. People with mental retardation or psychiatric disabilities might also have communication difficulties in certain circumstances, such as registering, filling out applications for benefits, or trying to understand what benefits and services are available.

Under the ADA, shelter operators must provide "effective communication" to people with disabilities unless doing so would result in a fundamental alteration or would impose undue financial and administrative burdens.¹¹ Shelters that are part of a state or local government sheltering program must give "primary consideration" to the type of auxiliary aid or service preferred by the person with a disability;¹² they must defer to that choice unless another equally effective method of communication is available or the preferred method would impose an undue financial and administrative burden or fundamental alteration.¹³ This requirement applies even if a third party operates the shelter under an arrangement with the state or local government.

Advance planning is critical to ensuring effective communication during an emergency. Without such planning, it may be difficult or impossible to locate auxiliary aids and services and have them ready for use at the shelter. Advance planning will also alleviate the expense and burdens associated with providing auxiliary aids.

¹¹ 28 C.F.R. § 35.160.

¹² 28 C.F.R. § 35.160(b)(2) .

¹³ 28 C.F.R. § 35.164.

- **Provide alternate format materials for people who are blind or who have low vision.** People who are blind or have low vision may request documents and brochures in alternate formats (Braille, large print, or audio recording). Generally, shelter supplies should include alternate format versions of documents that are routinely made available to shelter residents. Having alternate formats available for distribution during an emergency requires advance planning.

When documents are prepared on the spot and alternate formats cannot be prepared in advance or produced as needed, shelter operators are still required to provide effective communication through alternate means.¹⁴ Often, the most effective solution in an emergency is to provide a person to read printed documents and, where applicable, someone to help fill out forms. People who serve as readers or provide assistance filling out forms must be "qualified" - in the context of an emergency shelter, this means being capable of and willing to read materials and complete forms as instructed by the person with a disability.

- **Ensure that audible information is made accessible to people who are deaf or hard of hearing.** In emergency shelters, most information is conveyed through oral announcements. Shelter operators must ensure that people who are deaf or hard of hearing have access to this information in a timely and accurate manner. In some circumstances, qualified sign language or oral interpreters may be required by the ADA. In others, posting messages and announcements in written format on a centrally located bulletin board, or writing notes back and forth with residents who are deaf or hard of hearing, may suffice.

The type of auxiliary aid or service required in a specific situation depends on several factors, including the length, complexity, and importance of the communication and the person's language skills and history. For example, handwritten notes will not communicate information effectively to a person who cannot read. Similarly, providing a sign language interpreter will not be effective for a person who is hard of hearing and does not understand sign language.

If it becomes an undue financial and administrative burden to obtain qualified sign language or oral interpreters at a shelter, then the ADA does not require them. However, advance planning can significantly reduce the costs and administrative burdens of making interpreters available.

¹⁴ 28 C.F.R. § 35.164 .

- **Provide a TTY for the use of people who are deaf or hard of hearing.** Many people in shelters use telephones to apply for disaster relief benefits, arrange for transitional housing, and speak to family and friends. People who can use standard voice telephones typically make use of shelter telephones or cellular phones for this purpose. But without access to a teletypewriter (TTY), people who are deaf or hard of hearing and those who have speech disabilities are unable to communicate with others over the telephone.

F. Shelter Environment

- **Offer orientation and wayfinding assistance to people who are blind or have low vision.** Until they become familiar with the shelter layout, blind people and those with low vision may have difficulty locating different areas of the shelter. Even after they are oriented to the shelter environment, changes in furniture layout or the addition or removal of cots may be disorienting to people who rely on these landmarks to find their way around. When they arrive at a shelter, people who are blind and those with low vision might need assistance orienting themselves to the shelter layout and locating pathways to sleeping areas, toilet rooms, and other areas of the shelter they may wish to use. Offer, but do not insist, on providing orientation and wayfinding assistance. Some people who are blind or have low vision need such assistance. Others can, and prefer to, find their own way.
- **Maintain accessible routes.** Cots and other furniture need to be placed to ensure that accessible routes - routes that people who use wheelchairs, crutches, or walkers can navigate - connect all features of the shelter. For instance, accessible routes need to connect the sleeping quarters to the food distribution and dining quarters, to the toilet rooms and bathing facilities, activity areas, etc. Generally, an accessible route is 36 inches wide, except at doors and for short distances, when it can be narrower, and where it turns, when it must be wider. More guidance on accessible routes is provided in the "ADA Checklist for Emergency Shelters" at www.ada.gov/pcatoolkit/chap7sheltercheck.htm.
- **Eliminate protruding objects in areas where people can walk.** Furniture and other items should be positioned to direct pedestrians who are blind or have low vision safely away from overhead or protruding objects. This requirement extends beyond the "accessible route" and applies throughout the shelter environment to any place where a person can walk. Hazards posed by protruding and overhead objects can

typically be eliminated by placing a cane-detectable barrier on the floor beneath or next to them. But care should be taken so cane-detectable barriers do not block accessible routes or the clear floor space that people using mobility devices need to access common protruding objects such as drinking fountains. For more guidance on protruding objects, please see the "ADA Checklist for Emergency Shelters" at www.ada.gov/pcatoolkit/chap7sheltercheck.htm.

- **Consider low-stimulation "stress-relief zones."** The stress from the noise and crowded conditions of a shelter - combined with the stress of the underlying emergency - may aggravate some disability-related conditions, such as autism, anxiety disorders, or migraine headaches. Without periodic access to a "quiet room" or quiet space within a larger room, some people with disabilities will be unable to function in a shelter environment. In locations where a school gym serves as the emergency shelter, a nearby classroom can provide the necessary relief from noise and interaction that some shelter residents and volunteers with disabilities will need. Other shelter residents and volunteers may want a break from the noise and crowds. But quiet spaces are limited, they should be made available on a priority basis to people whose disabilities are aggravated by stress or noise.
- **Consult residents with disabilities regarding placement of their cots.** Some individuals will have disability-related needs that require accommodation when assigning the location of their cot. For instance, a person who uses a wheelchair, crutches, or a walker may need a cot located close to an accessible toilet room. Since an assigned cot may not be identifiable by touch, a blind person may need a cot placed in a location that she can easily find. A person with low vision may need his bed located close to light so he can see or away from bright light that aggravates his eyes. Likewise, someone who is deaf or hard of hearing may need a cot placed away from visual distractions that would prevent him from sleeping.

G. Supplies

- **Provide an effective way for people to request and receive durable medical equipment and medication.** Despite advance planning, some people with disabilities will find themselves in shelters without a supply of the medications or medical equipment they need. For example, some medical insurance plans prohibit people from purchasing medication until their existing supply is almost gone. Other people may be required to evacuate without medication or medical equipment or be inadvertently separated from medication or medical equipment during evacuation.

Emergency managers and shelter operators need to plan and make arrangements in advance so persons with disabilities can obtain emergency supplies of medications and equipment.

- **Whenever possible, provide refrigeration for certain types of medication.** Many people with disabilities need medication that must be refrigerated. Shelters need to have a safe and secure refrigerated location where medications can be stored and accessed when needed.
- **If electricity is available, give priority to people with disabilities who use ventilators, suctioning devices, and other life-sustaining equipment.** Some people with disabilities require ventilators, suctioning devices, or other life-sustaining equipment powered by electricity. Without electrical power, many of these individuals cannot survive. When electrical power is available, access should be given to people who depend on electrically powered equipment to survive.

Many people with disabilities depend on battery-powered wheelchairs and scooters for mobility. The batteries in these mobility aids must frequently be recharged, or they will stop functioning. Without these mobility aids, many people with disabilities will lose their ability to move about, they may be unable to participate in some services offered by the shelter, and they may need to depend more heavily on assistance from others. When possible, provide these individuals the opportunity to charge the batteries that power the equipment they use for mobility and independence.

- **Provide food options that allow people with dietary restrictions to eat.** Because of disabilities, some people are unable to eat certain types of food. For example, people with diabetes must restrict their intake of carbohydrates. Other people have severe allergies to common food ingredients, such as peanut oil and byproducts. In planning food supplies for shelters, emergency managers and shelter operators need to consider foods and beverages for people with common dietary restrictions.
- **Provide emergency supplies that enable people with disabilities to care for their service animals.** Many people with disabilities rely on service animals to do things they cannot do themselves. But when evacuating during an emergency, some individuals will be unable to transport enough food and water for their service animals. Shelter operators need to make food and water available so individuals can feed and care for their service animals. Shelter operators should also make reasonable modifications to security screening procedures so that people with disabilities are not repeatedly subjected to long waits at security

checkpoints simply because they have taken their security animals outside for relief.

H. Transitions Back to the Community

- **Provide people with disabilities a reasonable amount of time and assistance to locate appropriate housing.** Shelters provide temporary refuge during and after an emergency until people can return home or arrange an alternative place to live. In some instances, shelter operators have required individuals with disabilities to move to hospitals, nursing homes, or other institutions when these individuals could not locate accessible housing or the supportive services they needed to live in their own home as quickly as other individuals. As a result, some people with disabilities who once lived independently in their own homes found themselves institutionalized soon after a disaster occurred.

The ADA generally requires people with disabilities to receive services in the most integrated setting appropriate to their needs unless doing so would result in a fundamental alteration in the nature of services or impose undue financial and administrative burdens.¹⁵ To comply with this requirement and assist people with disabilities in avoiding unnecessary institutionalization, emergency managers and shelter operators may need to modify policies to give some people with disabilities the time and assistance they need to locate new homes.

I. Other Resources

As discussed above, the ADA requires that people with disabilities have equal access to shelters and the benefits they provide. Providing equal access to people with different disabilities can involve very different issues. This document discusses a few of the most common issues and how they can be addressed. Other issues are addressed in Chapter 7 of the "ADA Best Practices Tool Kit for State and Local Governments," "The ADA Guide for State and Local Governments: Making Emergency Preparedness and Response Programs Accessible to People with Disabilities," the "ADA Checklist for Emergency Shelters," and other technical assistance materials that are available on the Department of Justice's ADA Home Page at www.ada.gov.

¹⁵ 28 C.F.R. § 35.130(d).

Signs

ACI presented 6 questions to understand the knowledge of City staff regarding content and placement of the necessary facility signs. There responses are attached hereto.

Q1. Does your department/division provide signs to the public?		
Answer Choices	Response Percent	Responses
Yes	69.23%	9
No	30.77%	4
I don't know	0.0%	0
	Answered	13
	Skipped	0

Q2. Does the department/division have a policy that ensures that all inaccessible entrances have the appropriate signage to direct users to an accessible entrance?		
Answer Choices	Response Percent	Responses
Yes	46.15%	6
No	38.46%	5
I don't know	15.38%	2
	Answered	13
	Skipped	0

Q3. Does the department/division have a policy that signs be clearly posted that can direct an individual where they can obtain information about accessibility.		
Answer Choices	Response Percent	Responses
Yes	46.15%	6
No	23.08%	3
I don't know	30.77%	4
	Answered	13
	Skipped	0

Q4. For signs that direct an individual to a fixed or permanent room or space (i.e. restrooms, exit signs, etc.), does the department/division have a policy that all signs have raised and brailled letters?		
Answer Choices	Response Percent	Responses
Yes	46.15%	6
No	15.38%	2
I don't know	38.46%	5
	Answered	13
	Skipped	0

Q5. For signs that provide direction or information about functional spaces (i.e. cafeteria, copy rooms, etc), is there a policy that requires the character proportion, finish, and contrast as outlined in 2010 ADA Design Standards?		
Answer Choices	Response Percent	Responses
Yes	15.38%	2
No	15.38%	2
I don't know	69.23%	9
	Answered	13
	Skipped	0

Q6. Does the department/division have a policy that requires any sign that directs an individual to the permanent or functional spaces that they provide the international symbol for accessibility (i.e. Restrooms, telephones, fax machines, etc.)		
Answer Choices	Response Percent	Responses
Yes	38.46%	5
No	15.38%	2
I don't know	46.15%	6
	Answered	13
	Skipped	0

Analysis

Based on the above identified responses, it is clear that the City is familiar with the design standards regarding signs within the City. According to Chapter 7: Communication Elements and Features; 703: signs, there are very specific regulations that outline many of the requirements for signs. Attached for future use is the documentation with regards to signs in the 2010 Standards for Titles II and III facilities: 204 ADAAG.

ACI would like to further comment regarding the placement of items surrounding signs. Where signs are located, it is imperative that the City keep the area clear surrounding the sign. Should an item be placed in the front of a sign, this may inhibit an individual to read or access the sign if they happen to have a visual disability that requires they be right next to or read the sign through the braille option.

CHAPTER 7: COMMUNICATION ELEMENTS AND FEATURES

701 General

701.1 Scope. The provisions of Chapter 7 shall apply where required by Chapter 2 or where referenced by a requirement in this document.

703 Signs

703.1 General. Signs shall comply with 703. Where both visual and tactile characters are required, either one sign with both visual and tactile characters, or two separate signs, one with visual, and one with tactile characters, shall be provided.

703.2 Raised Characters. Raised characters shall comply with 703.2 and shall be duplicated in braille complying with 703.3. Raised characters shall be installed in accordance with 703.4.

Advisory 703.2 Raised Characters. Signs that are designed to be read by touch should not have sharp or abrasive edges.

703.2.1 Depth. Raised characters shall be 1/32 inch (0.8 mm) minimum above their background.

703.2.2 Case. Characters shall be uppercase.

703.2.3 Style. Characters shall be sans serif. Characters shall not be italic, oblique, script, highly decorative, or of other unusual forms.

703.2.4 Character Proportions. Characters shall be selected from fonts where the width of the uppercase letter "O" is 55 percent minimum and 110 percent maximum of the height of the uppercase letter "I".

703.2.5 Character Height. Character height measured vertically from the baseline of the character shall be 5/8 inch (16 mm) minimum and 2 inches (51 mm) maximum based on the height of the uppercase letter "I".

EXCEPTION: Where separate raised and visual characters with the same information are provided, raised character height shall be permitted to be 1/2 inch (13 mm) minimum.

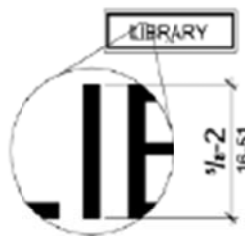


Figure 703.2.5 Height of Raised Characters

703.2.6 Stroke Thickness. Stroke thickness of the uppercase letter "I" shall be 15 percent maximum of the height of the character.

703.2.7 Character Spacing. Character spacing shall be measured between the two closest points of adjacent raised characters within a message, excluding word spaces. Where characters have rectangular cross sections, spacing between individual raised characters shall be 1/8 inch (3.2 mm) minimum and 4 times the raised character stroke width maximum. Where characters have other cross sections, spacing between individual raised characters shall be 1/16 inch (1.6 mm) minimum and 4 times the raised character stroke width maximum at the base of the cross sections, and 1/8 inch (3.2 mm) minimum and 4 times the raised character stroke width maximum at the top of the cross sections. Characters shall be separated from raised borders and decorative elements 3/8 inch (9.5 mm) minimum.

703.2.8 Line Spacing. Spacing between the baselines of separate lines of raised characters within a message shall be 135 percent minimum and 170 percent maximum of the raised character height.

703.3 Braille. Braille shall be contracted (Grade 2) and shall comply with 703.3 and 703.4.

703.3.1 Dimensions and Capitalization. Braille dots shall have a domed or rounded shape and shall comply with Table 703.3.1. The indication of an uppercase letter or letters shall only be used before the first word of sentences, proper nouns and names, individual letters of the alphabet, initials, and acronyms.

Table 703.3.1 Braille Dimensions

Measurement Range	Minimum
City of Lincoln ADA Transition Plan & Self-Evaluation Update	

	in Inches Maximum in Inches
Dot base diameter	0.059 (1.5 mm) to 0.063 (1.6 mm)
Distance between two dots in the same cell ¹	0.090 (2.3 mm) to 0.100 (2.5 mm)
Distance between corresponding dots in adjacent cells ¹	0.241 (6.1 mm) to 0.300 (7.6 mm)
Dot height	0.025 (0.6 mm) to 0.037 (0.9 mm)
Distance between corresponding dots from one cell directly below ¹	0.395 (10 mm) to 0.400 (10.2 mm)
1. Measured center to center.	

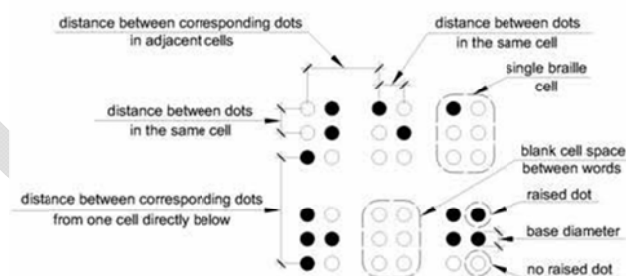


Figure 703.3.1 Braille Measurement

703.3.2 Position. Braille shall be positioned below the corresponding text. If text is multi-lined, braille shall be placed below the entire text. Braille shall be separated 3/8 inch (9.5 mm) minimum from any other tactile characters and 3/8 inch (9.5 mm) minimum from raised borders and decorative elements.

EXCEPTION: Braille provided on elevator car controls shall be separated 3/16 inch (4.8 mm) minimum and shall be located either directly below or adjacent to the corresponding raised characters or symbols.

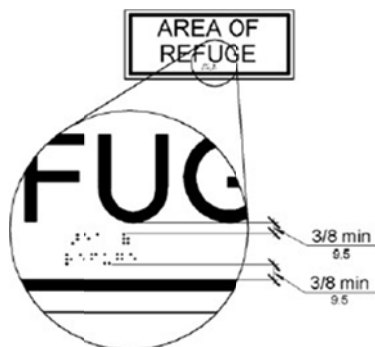


Figure 703.3.2 Position of Braille

703.4 Installation Height and Location. Signs with tactile characters shall comply with 703.4.

703.4.1 Height Above Finish Floor or Ground. Tactile characters on signs shall be located 48 inches (1220 mm) minimum above the finish floor or ground surface, measured from the baseline of the lowest tactile character and 60 inches (1525 mm) maximum above the finish floor or ground surface, measured from the baseline of the highest tactile character.

EXCEPTION: Tactile characters for elevator car controls shall not be required to comply with 703.4.1.

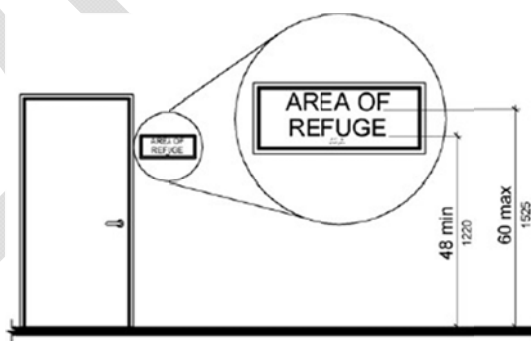


Figure 703.4.1 Height of Tactile Characters Above Finish Floor or Ground

703.4.2 Location. Where a tactile sign is provided at a door, the sign shall be located alongside the door at the latch side. Where a tactile sign is provided at double doors with one active leaf, the sign shall be located on the inactive leaf. Where a tactile sign is provided at double doors with two active leaves, the sign shall be located to the right of the right hand door. Where there is no wall space at the latch side of a single door or at the right side of double doors, signs shall be located on the nearest adjacent wall. Signs containing tactile characters shall be located so that a clear floor space of 18 inches (455 mm) minimum by 18 inches (455 mm) minimum, centered on the

tactile characters, is provided beyond the arc of any door swing between the closed position and 45 degree open position.

EXCEPTION: Signs with tactile characters shall be permitted on the push side of doors with closers and without hold-open devices.

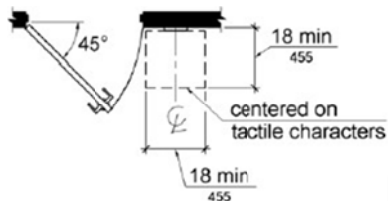


Figure 703.4.2 Location of Tactile Signs at Doors

703.5 Visual Characters. Visual characters shall comply with 703.5.

EXCEPTION: Where visual characters comply with 703.2 and are accompanied by braille complying with 703.3, they shall not be required to comply with 703.5.2 through 703.5.9.

703.5.1 Finish and Contrast. Characters and their background shall have a non-glare finish. Characters shall contrast with their background with either light characters on a dark background or dark characters on a light background.

Advisory 703.5.1 Finish and Contrast. Signs are more legible for persons with low vision when characters contrast as much as possible with their background. Additional factors affecting the ease with which the text can be distinguished from its background include shadows cast by lighting sources, surface glare, and the uniformity of the text and its background colors and textures.

703.5.2 Case. Characters shall be uppercase or lowercase or a combination of both.

703.5.3 Style. Characters shall be conventional in form. Characters shall not be italic, oblique, script, highly decorative, or of other unusual forms.

703.5.4 Character Proportions. Characters shall be selected from fonts where the width of the uppercase letter "O" is 55 percent minimum and 110 percent maximum of the height of the uppercase letter "I".

703.5.5 Character Height. Minimum character height shall comply with Table 703.5.5. Viewing distance shall be measured as the horizontal distance between the character and an obstruction preventing further approach towards the sign. Character height shall be based on the uppercase letter "I".

Table 703.5.5 Visual Character Height ([text version](#))

Height to Finish Floor or Ground From Baseline of Character	Horizontal Viewing Distance	Minimum Character Height

40 inches (1015 mm) to less than or equal to 70 inches (1780 mm)	less than 72 inches (1830 mm)	5/8 inch (16 mm)
	72 inches (1830 mm) and greater	5/8 inch (16 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing distance above 72 inches (1830 mm)
Greater than 70 inches (1780 mm) to less than or equal to 120 inches (3050 mm)	less than 180 inches (4570 mm)	2 inches (51 mm)
	180 inches (4570 mm) and greater	2 inches (51 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing distance above 180 inches (4570 mm)
greater than 120 inches (3050 mm)	less than 21 feet (6400 mm)	3 inches (75 mm)
	21 feet (6400 mm) and greater	3 inches (75 mm), plus 1/8 inch (3.2 mm) per foot (305 mm) of viewing distance above 21 feet (6400 mm)

703.5.6 Height From Finish Floor or Ground. Visual characters shall be 40 inches (1015 mm) minimum above the finish floor or ground.

EXCEPTION: Visual characters indicating elevator car controls shall not be required to comply with 703.5.6.

703.5.7 Stroke Thickness. Stroke thickness of the uppercase letter "I" shall be 10 percent minimum and 30 percent maximum of the height of the character.

703.5.8 Character Spacing. Character spacing shall be measured between the two closest points of adjacent characters, excluding word spaces. Spacing between individual characters shall be 10 percent minimum and 35 percent maximum of character height.

703.5.9 Line Spacing. Spacing between the baselines of separate lines of characters within a message shall be 135 percent minimum and 170 percent maximum of the character height.

703.6 Pictograms. Pictograms shall comply with 703.6.

703.6.1 Pictogram Field. Pictograms shall have a field height of 6 inches (150 mm) minimum. Characters and braille shall not be located in the pictogram field.

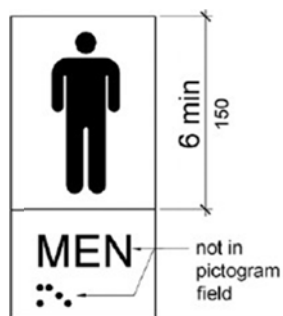


Figure 703.6.1 Pictogram Field

703.6.2 Finish and Contrast. Pictograms and their field shall have a non-glare finish. Pictograms shall contrast with their field with either a light pictogram on a dark field or a dark pictogram on a light field.

Advisory 703.6.2 Finish and Contrast. Signs are more legible for persons with low vision when characters contrast as much as possible with their background. Additional factors affecting the ease with which the text can be distinguished from its background include shadows cast by lighting sources, surface glare, and the uniformity of the text and background colors and textures.

703.6.3 Text Descriptors. Pictograms shall have text descriptors located directly below the pictogram field. Text descriptors shall comply with 703.2, 703.3 and 703.4.

703.7 Symbols of Accessibility. Symbols of accessibility shall comply with 703.7.

703.7.1 Finish and Contrast. Symbols of accessibility and their background shall have a non-glare finish. Symbols of accessibility shall contrast with their background with either a light symbol on a dark background or a dark symbol on a light background.

Advisory 703.7.1 Finish and Contrast. Signs are more legible for persons with low vision when characters contrast as much as possible with their background. Additional factors affecting the ease with which the text can be distinguished from its background include shadows cast by lighting sources, surface glare, and the uniformity of the text and background colors and textures.

703.7.2 Symbols.

703.7.2.1 International Symbol of Accessibility. The International Symbol of Accessibility shall comply with Figure 703.7.2.1.



Figure 703.7.2.1 International Symbol of Accessibility

703.7.2.2 International Symbol of TTY. The International Symbol of TTY shall comply with Figure 703.7.2.2.



Figure 703.7.2.2 International Symbol of TTY

703.7.2.3 Volume Control Telephones. Telephones with a volume control shall be identified by a pictogram of a telephone handset with radiating sound waves on a square field such as shown in Figure 703.7.2.3.



Figure 703.7.2.3 Volume Control Telephone

703.7.2.4 Assistive Listening Systems. Assistive listening systems shall be identified by the International Symbol of Access for Hearing Loss complying with Figure 703.7.2.4.

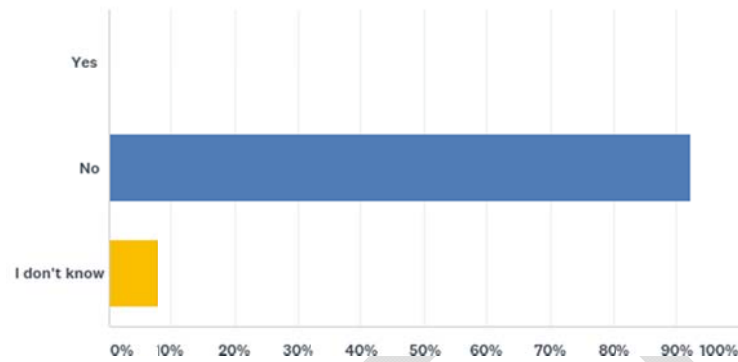


Figure 703.7.2.4 International Symbol of Access for Hearing Loss

Ticket Sales

Of the people analyzed there were 46 questions used to verify compliance with the regulations surrounding ticket sales. The questions asked of the City staff are dynamic. The first question asks:

Q1 Does your department or division sell tickets to the public for an event or series of events?



Analysis:

12 of the staff members indicate that the City does not sell any tickets to the public for an event or series of events, and 1 staff member was simply unfamiliar with any tickets sales. Due to this answer the remaining questions within this category are no longer relevant.

Self-Evaluation

The 13 staff members completed 22 questionnaires to determine the City's compliance with the administrative requirement to conduct a Self-Evaluation. Questions were used to determine if the City has in the past conducted a Self-Evaluation, if the procedure requirements were followed through, and what has been done since (if completed). The City's responses are detailed below.

Q1. Has the department or division conducted a Self-Evaluation?		
Answer Choices	Response Percent	Responses
Yes	21.43%	3
No	50.0%	7
I don't know	28.57%	4
	Answered	14
	Skipped	0

Q2. Why has the department not conducted a Self-Evaluation?			
Answer Choices		Response Percent	Responses
No funds available to conduct a Self-Evaluation		16.67%	1
The department or division does not know what is needed to complete an		33.33%	2
The department or division does not believe there is a need to conduct a Self-		0.0%	0
Other (please specify)		50.0%	3
Answers:		Answered	6
	To my knowledge, we have never been asked to provide one. Also, limited staffing would probably make this difficult.	Skipped	8
	I don't know		
	the extend of the review and manpower to gather the information are the greatest hindrances		

Q3. Please identify all resources reviewed during the preparation of the department/division's Self-Evaluation.		
Answer Choices	Response Percent	Responses
Manuals	0.0%	0
Office bulletins	0.0%	0
Program documentation	33.33%	1
Utility programs	33.33%	1
Transportation services	33.33%	1
Website(s)	33.33%	1
Program accessibility	100.0%	3
Mailers	0.0%	0
Parks & Recreation services	33.33%	1
Public services	33.33%	1
Public meetings	33.33%	1
Maintenance	66.67%	2
Building accessibility	100.0%	3
Other (please specify)	0.0%	0
	Answered	3
	Skipped	11

Q4. Did the Self-Evaluation include a formal review of the written policies?		
Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	0.0%	0
I don't know	83.33%	5
	Answered	6
	Skipped	8

Q5. If no, explain why not.		
Answer Choices	Response Percent	Responses
The department or division does not have formal written policies available to evaluate	0.0%	0
The department or division is not familiar with the written policies	0.0%	0
I don't know	0.0%	0
Other (please specify)	0.0%	0
	Answered	0
	Skipped	14

Q6. What written policies were identified in your Self-Evaluation?	
Answered	0
Skipped	14

Q7. Of the policies identified, have there been any changes or modifications made since the department/division previously conducted the Self-Evaluation?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	8

Q8. Of the policies and resources that were identified/reviewed, has there been any subsequent review to verify conformance with the accessibility laws and regulations?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	8

Q9. Did the Self-Evaluation include a formal review of the actual operating practices?		
Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	0.0%	0
I don't know	83.33%	5
	Answered	6
	Skipped	8

Q10. Of the operating practices, have there been any changes or modifications made since the department/division previously conducted the Self-Evaluation?		
Answer Choices	Response Percent	Responses
Yes	20.0%	1
No	40.0%	2
I don't know	40.0%	2
	Answered	5
	Skipped	9

Q11. Of the operating practices, have there been any subsequent reviews to verify conformance with the accessibility laws and regulations?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	8

Q12. Of the policies and practices identified in the Self Evaluation, were they evaluated to determine their impact on individuals with disabilities?		
Answer Choices	Response Percent	Responses
Yes	33.33%	2
No	0.0%	0
I don't know	66.67%	4
	Answered	6
	Skipped	8

Q13. Was the Self-Evaluation made available to individuals for public comment?		
Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	16.67%	1
I don't know	66.67%	4
	Answered	6
	Skipped	8

Q14. How was the public notified that the Self-Evaluation was available for public review, including but not limited to public interest groups?		
Answer Choices	Response Percent	Responses
Mailers	0.0%	0
Public forum	0.0%	0
Telephone	0.0%	0
Publications	100.0%	1
I don't know	0.0%	0
Other (please specify)	0.0%	0
	Answered	1
	Skipped	13

Q15. How long was it made available?		
Answer Choices	Response Percent	Responses
1-2 weeks	100.0%	1
3-4 weeks	0.0%	0
2 months	0.0%	0
Other (please specify)	0.0%	0
	Answered	1
	Skipped	13

Q16. Was there a procedure in place to incorporate public comment into the final Self-Evaluation?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	1
	Answered	1
	Skipped	13

Q17. Were the comments, suggestions, and public input comments maintained for reference?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	1
	Answered	1
	Skipped	13

Q18. Has/was the Self-Evaluation made available for the public to review for at least 3 years?		
Answer Choices	Response Percent	Responses
Yes	33.33%	2
No	0.0%	0
I don't know	66.67%	4
	Answered	6
	Skipped	8

Q19. Does the department's Self-Evaluation include the names of the individuals involved with completing the evaluation?		
Answer Choices	Response Percent	Responses
Yes	33.33%	2
No	0.0%	0
I don't know	66.67%	4
	Answered	6
	Skipped	8

Q20. Does the department's Self-Evaluation identify the problems discovered?		
Answer Choices	Response Percent	Responses
Yes	33.33%	2
No	0.0%	0
I don't know	66.67%	4
	Answered	6
	Skipped	8

Q21. Does the department's Self-Evaluation identify the changes made due to the completion of the report?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	8

Q22. Please indicate what alternate formats the division/department has the Self-Evaluation in.		
Answer Choices	Response Percent	Responses
Audio Tape	0.0%	0
Braille	0.0%	0
Large Print	0.0%	0
Web-based format	66.67%	2
None	33.33%	1
Other (please specify)	0.0%	0
	Answered	3
	Skipped	11

Analysis

Initially, ACI wanted to determine if the City employees had completed a Self-Evaluation of their policies, procedures, and practices. Of the people that answered, 3 knew the City had conducted a Self-Evaluation, 7 staff members said the City had never done this, and 4 didn't know. The ACI contract with the City is in fact an update of the City's Transition Plan and Self-Evaluation. The original report was completed in 2011 and is still currently posted on the City's website (<http://www.lincolncal.gov/how-do-i/how-do-i-file-an-ada-grievance-or-complaint>); then select the plan link on the page).

In 2011 the City hired an ADA Consultant to come in and prepare a Self-Evaluation and Transition Plan. The original plan details departments that were evaluated, but there is no indication of what within each program was evaluated to make their determinations. When gathering the necessary information, the City has not tracked the progress of the policy suggestions previously made. It is important to make sure that the City track the progress of identified policies and procedures to determine continued growth.

Per 28 CFR § 35.105 (Self-Evaluation) (a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or

may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications. This information does not require posting, but should be internally tracked, and available for public inspection. Tracking this information will also assist if 1) the Department of Justice or any other enforcing agency comes to audit or investigate the City; and 2) if the City hires another consultant or opts to complete their own Self-Evaluation, they will be able to review only the policies, procedure and practices have changed. The 28 CFR § 35.105 (d) ***If a public entity has already complied with the self-evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self- evaluation.*** By tracking this information, the City will be able to maintain this requirement without a huge fiscal impact.

The Self-Evaluation was posted for public review and netted 3 responses or citizen questions. This was detailed within the posted report itself.

With this updated information, it is suggested that the City create a tracking method to determine what remediations have been completed in response to this report. Additionally, ACI recommends that the City use some of the advances in social media as a way to advise the public of the updated findings and allows a greater populous of the need for public input. Notice should direct individuals to a document that has been posted on the agency website for review, along with a printed version of the document at the City Clerk's office. Along with the printed version, the City should determine any other alternate formats they plan to provide along with the length of time it will take to obtain each format. This will help to ensure that individuals with varying disabilities all have the access and ability to review the report for recommendations or clarifications of the findings. The time frame which the City shall post the report prior to finalizing is up to the City. There is no time frame established in the regulations, but it is recommended that it be posted for time suitable to allow for individuals to review and formulate their comments.

Maintenance of Accessible Features

The purpose of this questionnaire is to determine if procedures are enacted to make sure that when routine and non-routine maintenance of facilities, public-rights-of-ways, and other miscellaneous structural features maintain compliance with the ADA. We asked 25 questions to determine what steps are taken. The responses to this is detailed below.

Q1. Does the department/division maintain agency facilities?		
Answer Choices	Response Percent	Responses
Yes	25.0%	3
No	66.67%	8
I don't know	8.33%	1
	Answered	12
	Skipped	0

Q2. Does the department/division use applicable accessibility standards, whether state or federal, when implementing any modifications/maintenance?		
Answer Choices	Response Percent	Responses
Applicable	25.0%	1
Most current	0.0%	0
Applicable and most current	50.0%	2
No	0.0%	0
I don't know	25.0%	1
Other (please specify)	0.0%	0
	Answered	4
	Skipped	8

Q3. When there are multiple codes that can be utilized to maintain a facility, how does the agency determine which code to use?	
Answered	4
Skipped	8
Answers:	
Which is the most stringent code	
I don't know.	
State	
define maintain.	

Q4. What areas does the department/division maintain?	
Answered	4
Skipped	8
Answers:	
All City facilities	
The Lincoln Public Library and the Carnegie Library.	
Improvements within city right of way	
define maintain	

Q5. Does the department/division have a policy that requires any modification be evaluated to ensure that all aspects of the repair for building infrastructure conforms with the ADA?		
Answer Choices	Response Percent	Responses
Yes	50.0%	2
No	25.0%	1
I don't know	25.0%	1
	Answered	4
	Skipped	8

Q6. When making a requested modification or maintenance request for building infrastructure, is there a policy in place that requires the employee review or survey the surrounding area for any items which do not conform with the ADA and any other applicable accessibility standard?		
Answer Choices	Response Percent	Responses
Yes	25.0%	1
No	25.0%	1
I don't know	50.0%	2
	Answered	4
	Skipped	8

Q7. If an additional item is identified, does the department/division have a policy in place to address an additional change?		
Answer Choices	Response Percent	Responses
Yes	25.0%	1
No	25.0%	1
I don't know	50.0%	2
	Answered	4
	Skipped	8

Q8. Does the department review the work which is to be completed within the building infrastructure to evaluate if maintenance will result in an accessibility deficiency?		
Answer Choices	Response Percent	Responses
Yes	50.0%	2
No	25.0%	1
I don't know	25.0%	1
	Answered	4
	Skipped	8

Q9. If yes, does the department/division make arrangements to expedite any work to ensure that interruptions to the accessibility is temporary?		
Answer Choices	Response Percent	Responses
Yes	100.0%	2
No	0.0%	0
I don't know	0.0%	0
	Answered	2
	Skipped	10

Q10. Does the department/division have a policy to make accommodations to individuals with disabilities when the maintenance makes the facility no longer useable by an individual with a disability?		
Answer Choices	Response Percent	Responses
Yes	50.0%	2
No	0.0%	0
I don't know	50.0%	2
	Answered	4
	Skipped	8

Q11. When making a requested modification or maintenance request on roadways, is there a policy in place that requires the employee review or survey the surrounding area for any items which do not conform with the ADA and any applicable accessibility standards?		
Answer Choices	Response Percent	Responses
Yes	75.0%	3
No	0.0%	0
I don't know	25.0%	1
	Answered	4
	Skipped	8

Q12. If an additional item is identified, does the department/division have a policy in place to address an additional change?		
Answer Choices	Response Percent	Responses
Yes	75.0%	3
No	0.0%	0
I don't know	25.0%	1
	Answered	4
	Skipped	8

Q13. Does the department review the work which is to be completed on the roadway to evaluate if maintenance will result in an accessibility deficiency?		
Answer Choices	Response Percent	Responses
Yes	50.0%	2
No	0.0%	0
I don't know	50.0%	2
	Answered	4
	Skipped	8

Q14. If yes, does the department/division make arrangements to expedite any work to ensure that any interruptions to accessibility is temporary?		
Answer Choices	Response Percent	Responses
Yes	100.0%	2
No	0.0%	0
I don't know	0.0%	0
	Answered	2
	Skipped	10

Q15. Does the department/division have a policy that requires an alternate path of travel for the roadway be provided if accessibility is compromised?		
Answer Choices	Response Percent	Responses
Yes	75.0%	3
No	0.0%	0
I don't know	25.0%	1
	Answered	4
	Skipped	8

Q16. When making a requested modification or maintenance request, is there a policy in place that requires the employee review or survey the surrounding area of pedestrian pathways for any items which do not conform with the ADA or other applicable accessibility standards?		
Answer Choices	Response Percent	Responses
Yes	100.0%	4
No	0.0%	0
I don't know	0.0%	0
	Answered	4
	Skipped	8

Q17. If an additional item is identified, does the department/division have a policy in place to address an additional change?		
Answer Choices	Response Percent	Responses
Yes	50.0%	2
No	0.0%	0
I don't know	50.0%	2
	Answered	4
	Skipped	8

Q18. Does the department review the work which is to be completed in the pedestrian pathway to evaluate if maintenance will result in an accessibility deficiency?		
Answer Choices	Response Percent	Responses
Yes	75.0%	3
No	0.0%	0
I don't know	25.0%	1
	Answered	4
	Skipped	8

Q19. If yes, does the department/division make arrangements to expedite any work to ensure that any interruptions to accessibility is temporary?		
Answer Choices	Response Percent	Responses
Yes	100.0%	3
No	0.0%	0
I don't know	0.0%	0
	Answered	3
	Skipped	9

Q20. Does the department/division have a policy that requires an alternate path of travel is provided if accessibility is compromised?

Answer Choices	Response Percent	Responses
Yes	50.0%	2
No	25.0%	1
I don't know	25.0%	1
	Answered	4
	Skipped	8

Q21. Does the policy require any path of travel change be clearly identified to individuals with disabilities?

Answer Choices	Response Percent	Responses
Yes	100.0%	2
No	0.0%	0
I don't know	0.0%	0
	Answered	2
	Skipped	10

Q22. When making any electrical maintenance, does the department/division review the modification to determine the affects such modification will have on an individual with a disability?

Answer Choices	Response Percent	Responses
Yes	50.0%	2
No	0.0%	0
I don't know	50.0%	2
	Answered	4
	Skipped	8

Q23. Does the department/division have a policy that requires any electrical maintenance that affect an individual with a disability, that the maintenance be expedited?

Answer Choices	Response Percent	Responses
Yes	25.0%	1
No	25.0%	1
I don't know	50.0%	2
	Answered	4
	Skipped	8

Q24. If any electrical or maintenance affects an individuals path of travel, that an alternate path of travel be provided to individuals with disabilities?		
Answer Choices	Response Percent	Responses
Yes	75.0%	3
No	0.0%	0
I don't know	25.0%	1
	Answered	4
	Skipped	8

Q25. Does the policy require any path of travel change be clearly identified to individuals with disabilities?		
Answer Choices	Response Percent	Responses
Yes	75.0%	3
No	0.0%	0
I don't know	25.0%	1
	Answered	4
	Skipped	8

Analysis

An important part of routine maintenance is to ensure that while being worked on, and once complete the element remains compliant. It is understood that during certain construction activities an element may not be 100% compliant. In these circumstances, notification and accommodation be facilitated. For example, if a PROW is being worked on, it is important that the general public not only be made aware of the construction zone, but that an alternate/temporary accessible pathway be made available with proper signage. This will ensure that individuals that rely on the pathway, may investigate an alternate path of travel or make alternate arrangements to get to their location.

28 CFR 35.133 (Maintenance of Accessible Features) states:

- (a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.
- (b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.
- (c) If the 2010 Standards reduce the technical requirements or the number of required accessible elements below the number required by the 1991 Standards, the technical requirements or the number of accessible elements in a facility subject to this part may be reduced in accordance with the requirements of the 2010 Standards.

Notice

One of the Administrative requirements outlined in the regulations is the requirement to provide notice of non-discrimination. ACI presented 5 questionnaires to determine that the City in fact provides this notice, where it is posted, how frequently it is updated, etc. The answers to these questions are identified below.

Q1. Does the department provide notice of the accessibility rights and protections afforded to individuals by Title II of the Americans with Disabilities Act?		
Answer Choices	Response Percent	Responses
Yes	46.15%	6
No	15.38%	2
I don't know	38.46%	5
	Answered	13
	Skipped	0

Q2. Does the department announce nondiscrimination in the following areas: (Select all that apply)		
Answer Choices	Response Percent	Responses
Accommodations afforded to individuals with disabilities	75.0%	6
Activity schedules	50.0%	4
Alternative format documents	12.5%	1
Application for government programs or assistance	25.0%	2
Bus shelters and transit stops	12.5%	1
Construction sites	12.5%	1
Employment Documentation	50.0%	4
Facility locations	25.0%	2
How to file a complaint	25.0%	2
Website	37.5%	3
Organized activities	25.0%	2
Program handbooks	25.0%	2
Public meetings	50.0%	4
Public services	37.5%	3
Other (please specify)	12.5%	1
I felt that were non discriminating in all areas	Answered	8
	Skipped	5

Q3. Have the previously selected areas notices chosen been made available in alternative formats?		
Answer Choices	Response Percent	Responses
Yes	10.0%	1
No	20.0%	2
I don't	70.0%	7
	Answered	10
	Skipped	3

Q4. Do the following notices you have chosen include the contact information of the ADA Coordinator or responsible employee for the agency?		
Answer Choices	Response Percent	Responses
Yes	40.0%	4
No	0.0%	0
I don't know	60.0%	6
	Answered	10
	Skipped	3

Q5. How often are notices reviewed and updated?		
Answer Choices	Response Percent	Responses
Weekly	12.5%	1
Monthly	0.0%	0
Yearly	25.0%	2
Other (please specify)	62.5%	5
	Answered	8
	Skipped	5

Analysis

According to the responses to the questionnaires, the City states that it does provide notice, and that it is posted in a wide variety of locations and papers, the ADA Coordinator is identified, and updated chronologically.

Through our analysis, we have been to the City's website and we have identified the agency's notice of non-discrimination. The notice which you will find after this section is very similar to the notice as presented by the Department of Justice also attached for reference.

The Department of Justice provides several different helpful hints on how best to provide notice. Per the Title II ADA Tool Kit on ADA.gov there are three main consideration for providing notice:

- 1) Who is the target audience?
- 2) What information shall it include?
- 3) Where and how should the notice be provided?

Beyond this, the DOJ provides further assistance as to what this means:

1) Who is the target audience?

The target audience for public notice includes applicants, beneficiaries, and other people interested in the state or local government's programs, activities, or services. **The audience is expansive, and includes everyone who interacts – or would potentially interact – with the state or local government.**

**Examples of the Target Audience
for the ADA Notice**

- a recipient of social services, food stamps, or financial assistance provided by the state or local government
- an applicant for a public library card
- a public transit user
- a person who uses the county recreation center
- a grandmother attending her grandchild's high school graduation in a city park
- a member of a citizen's advisory committee
- a recipient of a grant from the state or local government
- a citizen who wants to participate in a town council meeting
- a person adopting a dog from the local public animal shelter

2) What information shall it include?

The notice is required to include relevant information regarding Title II of the ADA, and how it applies to the programs, services, and activities of the public entity.

The notice should not be overwhelming. An effective notice states the basics of what the ADA requires of the state or local government without being too lengthy, legalistic, or complicated. It should include the name and contact information of the ADA Coordinator.

- employment,
- effective communication,
- making reasonable modifications to policies and programs,
- not placing surcharges on modifications or auxiliary aids and services,
- and filing complaints.

3) Where and how should the notice be provided?

It is the obligation of the head of the public entity to determine the most effective way of providing notice to the public about their rights and the public entity's responsibilities under the ADA.

Publishing and publicizing the ADA notice is not a one-time requirement. **State and local governments should provide the information on an ongoing basis, whenever necessary. If you use the radio, newspaper, television, or mailings, re-publish and re-broadcast the notice periodically.**

Some Ways to Provide Notice to Interested Persons

- Include the notice with **job applications**
- Publish the notice periodically in **local newspapers**
- Broadcast the notice in public service announcements on **local radio and television stations**
- Publish the notice on the government entity's **website** (ensure that the website is accessible)
- Post the notice **at all facilities**
- Include the notice in **program handbooks**
- Include the notice in **activity schedules**
- Announce the notice at **meetings** of programs, services, and activities
- Publish the notice as a **legal notice** in local newspapers
- Post the notice in bus shelters or other **public transit stops**

It is important that as information changes or a posted notice is no longer visible or viable, this should be replaced. The City shall use the various tools available to them to ensure they are tracking and monitoring notice as it modified.

ACI would like to mention that in front of the City Hall Building where the City posts "City Public Notices" there is no mention of the City's notice regarding non-discrimination.



It is recommended that the City's notice be placed in any of the locations of public accommodation including the "City Public Notices" and should be tracked to indicate how and when notices are re-posted, changed, and why.

DRAFT



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the **City of Lincoln** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: the **City of Lincoln** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: the **City of Lincoln** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the **City of Lincoln's** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: the **City of Lincoln** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the **City of Lincoln** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the **City of Lincoln**, should contact the office of **Gary Eide, ADA Coordinator, City Hall, 600 Sixth Street, 2nd Floor, Lincoln, CA 95648, 916-434-2485** or gary.eide@lincolncalifornia.gov as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **City of Lincoln** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the **City of Lincoln** is not accessible to persons with disabilities should be directed to **Gary Eide, ADA Coordinator, City Hall, 600 Sixth Street, 2nd Floor, Lincoln, CA 95648, 916-434-2485** or gary.eide@lincolncalifornia.gov.

The **City of Lincoln** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the [name of public entity] will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: [name of public entity] does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: [Name of public entity] will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in [name of public entity's] programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: [Name of public entity] will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in [name of public entity] offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of [name of public entity], should contact the office of [name and contact information for ADA Coordinator] as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the [name of public entity] to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of [name of public entity] is not accessible to persons with disabilities should be directed to [name and contact information for ADA Coordinator].

[Name of public entity] will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Leased Buildings

ACI posed 4 questions to the City employees to see if there is a policy when they are leasing facilities that they ensure programmatic access to all citizens. Their answers to these questions are detailed below.

Q1. Does the department/division lease any buildings?		
Answer Choices	Response Percent	Responses
Yes	15.38%	2
No	53.85%	7
I don't know	30.77%	4
	Answered	13
	Skipped	0

Q2. Does the department/division review buildings prior to leasing any space for accessibility?		
Answer Choices	Response Percent	Responses
Yes	23.08%	3
No	23.08%	3
I don't know	53.85%	7
	Answered	13
	Skipped	0

Q3. Does the department/division have a policy in place that ensures that once a building or space is leased that it must be made accessible to individuals with disabilities and to provide reasonable accommodations to employees that may need it.		
Answer Choices	Response Percent	Responses
Yes	23.08%	3
No	15.38%	2
I don't know	61.54%	8
	Answered	13
	Skipped	0

Q4. When the department/division signs a lease for any facility or building, are provisions included in the contract that allows the department/division to make the necessary modifications to ensure the space conforms with the ADA design and building codes?		
Answer Choices	Response Percent	Responses
Yes	15.38%	2
No	7.69%	1
I don't know	76.92%	10
	Answered	13
	Skipped	0

Analysis

Per the regulations which outline the expectation of government agencies when leasing facilities to be used by the agency, it is not a requirement that the agency must rent an accessible facility. What the law does do is outline programmatic access. It is important that any facility that an agency operates out of, that they ensure that all areas that are available to the public or runs anything for the public that those areas be accessible to all individuals. The Title II Technical Assistance Manual states the following about leased buildings: **II-6.4000 Leased buildings.** *Public entities are encouraged, but not required, to lease accessible space. The availability of accessible private commercial space will steadily increase over time as the title III requirements for new construction and alterations take effect. Although a public entity is not required to lease accessible space, once it occupies a facility, it must provide access to all of the programs conducted in that space (see II-5.0000). Thus, the more accessible the space is to begin with, the easier and less costly it will be later on to make programs available to individuals with disabilities and to provide reasonable accommodations for employees who may need them.*

So long as the City continues to assess any facility against what the building is intended on being used for. If just one area of the facility is being used and that area is compliant/accessible, that is the only requirement that needs to be properly managed. It is always a good rule of thumb, that when leasing the facility that they ensure they can make alterations to fit their needs.

Historic Preservation

We presented 11 questions to the assigned City staff to determine if the City maintains any properties that can possibly claim historic exceptions. We wanted to know if they make their best efforts to ensure as much access as possible in exempting historic properties. Their answers to these questions are detailed below.

Q1. Does the department/division have any facilities or buildings which are considered landmarks or historic property?		
Answer Choices	Response Percent	Responses
Yes	28.57%	4
No	28.57%	4
I don't know	42.86%	6
	Answered	14
	Skipped	0

Q2. Does the department/division follow special program accessibility requirements which apply to historic preservation programs?		
Answer Choices	Response Percent	Responses
Yes	14.29%	2
No	14.29%	2
I don't know	71.43%	10
	Answered	14
	Skipped	0

Q3. Does the department/division have a policy in place that reviews any landmark or historic facility for accessibility?		
Answer Choices	Response Percent	Responses
Yes	14.29%	2
No	14.29%	2
I don't know	71.43%	10
	Answered	14
	Skipped	0

Q4. Does the department/division give priority to methods that provide physical access to individuals with disabilities?		
Answer Choices	Response Percent	Responses
Yes	57.14%	8
No	14.29%	2
I don't know	28.57%	4
	Answered	14
	Skipped	0

Q5. When addressing accessibility modifications does the department follow the Federal and State guidelines when making modifications?

Answer Choices	Response Percent	Responses
Yes	71.43%	10
No	0.0%	0
I don't know	28.57%	4
Other (please specify)	0.0%	0
	Answered	14
	Skipped	0

Q6. Does the department/division have a policy in place when an accessibility modification results in an undue financial burden or it would result in a fundamental alteration of the facility?

Answer Choices	Response Percent	Responses
Yes	14.29%	2
No	7.14%	1
I don't know	78.57%	11
	Answered	14
	Skipped	0

Q7. If the department has determined that a necessary modification would compromise the integrity of the historic property, are the steps made to make this determination detailed for further use?

Answer Choices	Response Percent	Responses
Yes	21.43%	3
No	7.14%	1
I don't know	71.43%	10
	Answered	14
	Skipped	0

Q8. If any modifications would threaten or destroy an aspect of the historical significance of the historic property, does the department/division have a policy to find alternative solutions?

Answer Choices	Response Percent	Responses
Yes	14.29%	2
No	7.14%	1
I don't know	78.57%	11
	Answered	14
	Skipped	0

Q9. If an alternative solution is unavailable, does the department/division use alternative standards for accessibility accommodations?		
Answer Choices	Response Percent	Responses
Yes	7.14%	1
No	7.14%	1
I don't know	85.71%	12
	Answered	14
	Skipped	0

Q10. If yes, are the alternative standards developed under the consultation of the appropriate historic advisory board designated in ADA Standards for Accessible Design or UFAS?		
Answer Choices	Response Percent	Responses
Yes	25.0%	3
No	0.0%	0
I don't know	75.0%	9
	Answered	12
	Skipped	2

Q11. Does the department or division enlist the help of interested persons to participate in the decision-making process?		
Answer Choices	Response Percent	Responses
Yes	42.86%	6
No	7.14%	1
I don't know	50.0%	7
	Answered	14
	Skipped	0

Analysis

Historic preservation programs mean programs conducted by a public entity that have preservation of historic properties as a primary purpose; and *Historic properties* means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

The regulations states that the ADA is not intended to require a public entity to take any action that would threaten or destroy the historic significance of a historic property. Although they have provided some guidance on how to properly protect historical properties to ensure that the greatest amount of accessibility is maintained while still protecting the historic significance of the property.

Per 28 CFR § 35.150 (b)(3) ***Historic preservation programs***. In meeting the requirements of § 35.150(a) in historic preservation programs, a public entity shall give priority to methods that provide physical access to individuals with disabilities. In cases where a physical alteration to an historic property is not required because of paragraph (a)(2) or (a)(3) of this section, alternative methods of achieving program accessibility include—

- (i) Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;
- (ii) Assigning persons to guide individuals with handicaps into or through portions of historic properties that cannot otherwise be made accessible; or
- (iii) Adopting other innovative methods.

While the program outlines how the City should make all attempts to ensure accessibility to the greatest extent possible, it is also important that the City maintain the necessary information of how a particular element cannot be modified in the attempt to preserve the historic significance. If the City claims historic exclusions, they should make all efforts to ensure that the facility be listed or documents its eligibility. This information will be important if for any reason an audit by a governing agency or lawsuit arises due to non-compliance.

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Grievance Procedure

ACI submitted a total of 32 questions to the assigned staff members with regards to the City's Grievance procedure. Questions we asked to gauge the staff's familiarity with the procedure, if the steps taken mirror the suggestions presented by the Department of Justice. The responses to our questionnaires are detailed below:

Q1. Does the agency have a procedure in place for when an individual makes an accessibility complaint?		
Answer Choices	Response Percent	Responses
Yes	57.89%	11
No	0.0%	0
I don't know	42.11%	8
	Answered	19
	Skipped	0

Q2. When was this procedure last reviewed for effectiveness?		
Answer Choices	Response Percent	Responses
Within the past 6 months	10.0%	1
Within the past year	10.0%	1
Within the past 2 years	30.0%	3
I don't know	50.0%	5
Never	0.0%	0
Other (please specify)	0.0%	0
	Answered	10
	Skipped	9

Q3. How is the procedure made available to the public?		
Answer Choices	Response Percent	Responses
Agency's website	70.0%	7
Available at the local office(s)	70.0%	7
On-line	30.0%	3
Through dialogue with an agency employee	60.0%	6
Other (please specify)	20.0%	2
	Answered	10
	Skipped	9

Q4. Has the procedure been distributed to all agency heads?		
Answer Choices	Response Percent	Responses
Yes	60.0%	6
No	10.0%	1
I don't know	30.0%	3
	Answered	10
	Skipped	9

Q5. Is the department staff familiar with the procedure for when an accessibility complaint is filed?		
Answer Choices	Response Percent	Responses
Yes	20.0%	2
No	50.0%	5
I don't know	30.0%	3
	Answered	10
	Skipped	9

Q6. How was the staff made aware of the complaint procedure in place?		
Answer Choices	Response Percent	Responses
Orientation	0.0%	0
Announcement	50.0%	5
Email	30.0%	3
Flier	20.0%	2
Training	10.0%	1
Other (please specify)	50.0%	5
Answers:	Answered	10
	We weren't to my knowledge	Skipped
	?	
	was told by the person that was in the position before me who trained me	
	I don't know	
	a very loud and active complainant	

Q7. Does the procedure include a description of how a complaint may be filed?		
Answer Choices	Response Percent	Responses
Yes	70.0%	7
No	0.0%	0
I don't know	30.0%	3
	Answered	10
	Skipped	9

Q8. Provide how the complaint may be filed?		
Answer Choices	Response Percent	Responses
Agency's website	50.0%	5
At a local office(s)	80.0%	8
Mail	40.0%	4
Phone	50.0%	5
Through dialogue with an agency employee	60.0%	6
Other (please specify)	20.0%	2
	Answered	10
	Skipped	9

Q9. Does the procedure include where the complaint may be filed in person?		
Answer Choices	Response Percent	Responses
Yes	90.0%	9
No	10.0%	1
	Answered	10
	Skipped	9

Q10. Where can the complaint be filed in person?				
Answer Choices		Response Percent		Responses
City Clerk		60.0%		6
City Council		0.0%		0
Engineering Department		0.0%		0
Human Resources		0.0%		0
Maintenance		0.0%		0
Parks and Recreation		0.0%		0
Public Works		0.0%		0
Street Services		0.0%		0
Transportation		0.0%		0
I don't know		20.0%		2
Other (please specify)		40.0%		4
Answers:		Answered		10
	Community Development	Skipped		9
	City's ADA Coordinator			
	Community Development			
	Administration and Development Services			

Q11. Who is notified when a complaint is filed?		
Answer Choices	Response Percent	Responses
Title and Name:	100.0%	8
Phone:	62.5%	5
Email:	75.0%	6
Department:	100.0%	8
	Answered	8
	Skipped	11

Q12. Please indicate what information the individual is required to provide to file a complaint with the agency?		
Answer Choices	Response Percent	Responses
Name	40.0%	4
Address	30.0%	3
Phone	40.0%	4
Email	20.0%	2
Complaint details/description	40.0%	4
Complaint location	40.0%	4
Date of incident	40.0%	4
All of the above	60.0%	6
Other (please specify)	20.0%	2
Answers:	Answered	10
	Skipped	9
	I don't know	

Q13. Does the agency require that a complaint be received in writing?		
Answer Choices	Response Percent	Responses
Yes	40.0%	4
No	30.0%	3
I don't know	30.0%	3
	Answered	10
	Skipped	9

Q14. Does the agency have an alternative means of filling a complaint?		
Answer Choices	Response Percent	Responses
Yes	50.0%	5
No	0.0%	0
I don't know	50.0%	5
	Answered	10
	Skipped	9

Q15. What alternate forms are available?		
Answer Choices	Response Percent	Responses
Large print document	20.0%	1
Telephone intake	60.0%	3
Audio Recording	60.0%	3
Internet intake	20.0%	1
In-office intake	40.0%	2
Web portal	20.0%	1
All of the above	0.0%	0
Other (please specify)	20.0%	1
	Answered	5
	Skipped	14

Q16. Does the Grievance Procedure include time frames to file a complaint with the agency?		
Answer Choices	Response Percent	Responses
Yes	20.0%	2
No	10.0%	1
I don't know	70.0%	7
	Answered	10
	Skipped	9

Q17. Does the agency have an established time frame to respond to a complaint?		
Answer Choices	Response Percent	Responses
Yes	60.0%	6
No	0.0%	0
I don't know	40.0%	4
	Answered	10
	Skipped	9

Q18. How long does it take for the agency to respond to the Requester?		
Answer Choices	Response Percent	Responses
1-2 days	11.11%	1
1-2 weeks	33.33%	3
3-4 weeks	11.11%	1
Over a month	0.0%	0
Other (please specify)	44.44%	4
	Answered	9
	Skipped	10

Q19. How does the department respond?		
Answer Choices	Response Percent	Responses
Certified letter	0.0%	0
Email	20.0%	2
Fax	0.0%	0
Letter	20.0%	2
Telephone	20.0%	2
I don't know	60.0%	6
Other (please specify)	10.0%	1
	Answered	10
	Skipped	9

Q20. If the complaint is about a physical barrier, does the agency investigate the location?		
Answer Choices	Response Percent	Responses
Yes	80.0%	8
No	0.0%	0
I don't know	20.0%	2
	Answered	10
	Skipped	9

Q21. Does the agency communicate its findings to the individual who made the complaint?		
Answer Choices	Response Percent	Responses
Yes	70.0%	7
No	0.0%	0
I don't know	30.0%	3
	Answered	10
	Skipped	9

Q22. If a barrier was identified, does the agency communicate the proposed resolution along with a timeframe to the individual who made the complaint?		
Answer Choices	Response Percent	Responses
Yes	60.0%	6
No	0.0%	0
I don't know	40.0%	4
	Answered	10
	Skipped	9

Q23. Is the individual from the public notified when their complaint has been corrected?		
Answer Choices	Response Percent	Responses
Yes	50.0%	5
No	0.0%	0
I don't know	50.0%	5
	Answered	10
	Skipped	9

Q24. Does the Grievance Procedure include an appeal process?		
Answer Choices	Response Percent	Responses
Yes	40.0%	4
No	0.0%	0
I don't know	60.0%	6
	Answered	10
	Skipped	9

Q25. How is the appeal process communicated with the individual from the public?		
Answer Choices	Response Percent	Responses
Included in a letter of findings	25.0%	1
Included in a letter with the resolution	0.0%	0
Posted on the procedure	50.0%	2
I don't know	0.0%	0
Other (please specify)	25.0%	1
Answers: in writing	Answered	4
	Skipped	15

Q26. How long does an individual have to appeal the proposed resolution?		
Answer Choices	Response Percent	Responses
1 week	0.0%	0
2 weeks	25.0%	1
3 weeks	25.0%	1
Other (please specify)	50.0%	2
	Answered	4
	Skipped	15

Q27. Upon receipt of an appeal, does an alternate or supervisor review and resolve the appeal?		
Answer Choices	Response Percent	Responses
Yes	75.0%	3
No	0.0%	0
I don't know	25.0%	1
	Answered	4
	Skipped	15

Q28. How long does the agency have to respond to an appeal?		
Answer Choices	Response Percent	Responses
1-2 days	25.0%	1
3-4 days	0.0%	0
1-2 weeks	0.0%	0
3-4 weeks	50.0%	2
Other (please specify)	25.0%	1
Answer:	Answered	4
Reasonable Period	Skipped	15

Q29. How is the individual from the public notified of the outcome of their appeal?		
Answer Choices	Response Percent	Responses
Certified letter	0.0%	0
Email	25.0%	1
Fax	0.0%	0
Letter	75.0%	3
Telephone	25.0%	1
Other (please specify)	25.0%	1
Answers:	Answered	4
in writing	Skipped	15

Q30. Does the department have a policy in place that requires complaint files are retained?		
Answer Choices	Response Percent	Responses
Yes	40.0%	4
No	10.0%	1
I don't know	50.0%	5
	Answered	10
	Skipped	9

Q31. How long does the policy require complaint files be retained?		
Answer Choices	Response Percent	Responses
Through the resolution of the complaint	0.0%	0
1 year	0.0%	0
2 years	0.0%	0
3+ years	25.0%	1
Indefinitely	0.0%	0
I don't know	25.0%	1
Other (please specify)	50.0%	2
Answers:	Answered	4
at least five years	Skipped	15
settlement of complaints are logged into the most current		

Q32. Does the department/division have a separate procedure on processing and resolving accessibility complaints that is separate from the agency's grievance procedure?		
Answer Choices	Response Percent	Responses
Yes	22.22%	2
No	11.11%	1
I don't know	66.67%	6
	Answered	9
	Skipped	10

Analysis

After reviewing the agency's response to the questionnaires, it was determined that only a small share of the assigned staff know that the City has a grievance procedure. It is imperative that any City employee that has ANY contact with the public are familiar with the basics. They need to know that it exists, where online it is located, and whom the individual can contact with a complaint. It would be further recommended that the department heads be familiar with the intake of basic information that can be passed on to the ADA Coordinator. More often than not, an individual is not wanting to take a complaint to litigation, and just want to see their issue be remediated as best as it can be.

By training staff on how to intake or at minimum, direct the individual where to go or who to contact with a complaint, most people will be satisfied with the follow-through by the City.

With regards to the Grievance procedure posted on the City's website, it maintains the same format and information as presented by the DOJ. Both the City's procedure and the DOJ Sample procedure is attached for further reference. While many of the responses indicated that only a handful are familiar with the steps that the procedure takes, not everyone must know how the procedure works, but how to assist some in getting their information to the proper source.

When looking at the regulations, it simply states: **28 CFR § § 35.107 Designation of responsible employee and adoption of grievance procedures (b) Complaint procedure.** *A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.*

While this does not provide much guidance as to what that should look like. By diving further there is some helpful guidance as to what should be done. Some of which can be found on ADA.gov.

It is recommended that the City continue to utilize the BlueDAG ADA or alternative software for managing their grievances. By utilizing the software, the City can track and manage all communications with the complainant, assign and conduct inspections of the identified barrier, and place the barrier onto the City's Transition Plan for continued monitoring. This will allow the City to have the necessary tracking methods should they be audited by an enforcing agency or be faced with litigation due to a complaint received from an individual.

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ADA Grievance Procedure

Grievance Procedure Under the Americans with Disabilities Act

It is the policy of the City of Lincoln to provide access to its services and programs for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA) of 1990. This Grievance Procedure is established to meet the requirements of the ADA. It may be used by anyone who desires to file a complaint concerning access to City facilities, services, activities, programs, or benefits. The City of Lincoln's Disability Discrimination Policy also governs employment-related complaints.

Complaints should be in writing and contain information about the alleged discrimination such as name, address, phone number of the complainant and location, date and description of the incident giving rise to the complaint. A complaint form is available on the City's website at www.lincolncalifornia.gov. Alternative means of filing a complaint, such as personal interviews or tape recording the complaint, are available, upon request, to accommodate persons with disabilities.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Gary Eide, ADA Coordinator
City Hall
600 Sixth Street, 2nd Floor
Lincoln, CA 95648
Phone: 916-434-2485 / Fax: 916-645-3552
Gary.Eide@lincolncalifornia.gov

Receipt of a Complaint

Departments will inform the ADA Coordinator of any complaint upon receipt.

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or the designee may schedule a meeting with the complainant to discuss the complaint and possible resolutions. After an investigation and review, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain his/her position on the issue and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager or his/her designee.

After receiving the appeal, the City Manager or designee will review the appeal and the ADA Coordinator's finding. Within a reasonable period, after a review, the City Manager or the designee will respond in writing, and, where appropriate, in a format that is accessible to the complainant, with a final resolution to the complaint.

Retention Policy

All written complaints received by the City's ADA Coordinator or his/her designee, appeals to the City Manager or his/her designee, and responses from these two offices will be retained by the ADA Coordinator for at least five years. Employment-related complaints are governed by the Human Resources Department. Employees and job applicants may file disability related complaints with the Human Resources Office at 916-434-2490 or with the ADA Coordinator using the contact information listed above.

[Name of public entity] Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **[name of public entity]**. The **[e.g. State, City, County, Town]**'s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**[Insert ADA Coordinator's name]
ADA Coordinator [and other title if appropriate]
[Insert ADA Coordinator's mailing address]**

Within 15 calendar days after receipt of the complaint, *[ADA Coordinator's name]* or *[his/her]* designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, *[ADA Coordinator's name]* or *[his/her]* designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **[name of public entity]** and offer options for substantive resolution of the complaint.

If the response by *[ADA Coordinator's name]* or *[his/her]* designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **[City Manager/County Commissioner/ other appropriate high-level official]** or *[his/her]* designee.

Within 15 calendar days after receipt of the appeal, the **[City Manager/County Commissioner/ other appropriate high-level official]** or *[his/her]* designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the **[City Manager/County Commissioner/ other appropriate high-level official]** or *[his/her]* designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by *[name of ADA Coordinator]* or *[his/her]* designee, appeals to the **[City Manager/County Commissioner/ other appropriate high-level official]** or *[his/her]* designee, and responses from these two offices will be retained by the **[public entity]** for at least three years.

Chapter 2

ADA Coordinator, Notice & Grievance Procedure: Administrative Requirements Under Title II of the ADA

In this section, you will learn about the administrative requirements of Title II of the ADA, including the mandates to designate an ADA coordinator, give notice about the ADA's requirements, and establish a grievance procedure. Questions answered include:

- If the local government has fewer than 50 employees, do different requirements apply?
- What are the responsibilities of an ADA Coordinator?
- What are the benefits of having an ADA Coordinator?
- What are the requirements for providing notice of the ADA's provisions?
- How and where must you provide ADA notices?
- What is a grievance procedure?
- What must an ADA grievance procedure include?

A. Designating an ADA Coordinator

If a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance.¹ A government entity may elect to have more than one *ADA Coordinator*. Although the law does not refer to this person as an "ADA Coordinator," this term is commonly used in state

¹Department of Justice Nondiscrimination on the Basis of State and Local Government Services Regulations, 28 C.F.R. pt. 35, § 35.107(a) (2005). See www.ada.gov/reg2.html for the complete text of the Department of Justice's Title II regulation.

and local governments across the country and will be used in this chapter.

The ADA Coordinator is responsible for coordinating the efforts of the government entity to comply with Title II and investigating any complaints that the entity has violated Title II. The name, office address, and telephone number of the ADA Coordinator must be provided to interested persons.

Benefits of an ADA Coordinator

There are many benefits to having a knowledgeable ADA coordinator, even for smaller public entities that are not required to have one.

For members of the public, having an ADA Coordinator makes it easy to identify someone to help them with questions and concerns about disability discrimination. For example, the ADA Coordinator is often the main contact when someone wishes to request an *auxiliary aid or service* for effective communication, such as a *sign language interpreter* or documents in *Braille*. A knowledgeable ADA Coordinator will be able to efficiently assist people with disabilities with their questions. She or he will also be responsible for investigating complaints.

Common Question: Which employees count?

If a local government or other public entity has fewer than 50 employees, it is not required to appoint an ADA Coordinator or establish grievance procedures.

The number of employees is based on a government-wide total, including employees of each department, division, or other sub-unit. Both part-time and full-time employees count. Contractors are not counted as employees for determining the number of employees.

For example: Jones City has 30 full-time employees and 20 part-time employees. The employees include ten police department employees and eight fire department employees.

Jones City must have an ADA Coordinator and an ADA grievance procedure. The total number of employees is 50 because both full-time and part-time employees are counted. In addition, the police and fire departments are part of the city-wide employment pool, and the requirements for an ADA Coordinator and an ADA grievance procedure cover both of those departments.

Having an ADA Coordinator also benefits state and local government entities. It provides a specific contact person with knowledge and information about the

ADA so that questions by staff can be answered efficiently and consistently. In addition, she or he coordinates compliance measures and can be instrumental in ensuring that compliance plans move forward. With the help of this Tool Kit, ADA Coordinators can take the lead in auditing their state or local government's programs, policies, activities, services, and facilities for ADA compliance.

An Effective ADA Coordinator

The regulations require state and local governments with 50 or more employees to designate an employee responsible for coordinating compliance with ADA requirements. Here are some of the qualifications that help an ADA Coordinator to be effective:

- familiarity with the state or local government's structure, activities, and employees
- knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act, 29 U.S.C. § 794
- experience with people with a broad range of disabilities
- knowledge of various alternative formats and alternative technologies that enable people with disabilities to communicate, participate, and perform tasks
- ability to work cooperatively with the local government and people with disabilities
- familiarity with any local disability advocacy groups or other disability groups
- skills and training in negotiation and mediation
- organizational and analytical skills

B. Notice of the ADA's Provisions

The second administrative requirement is providing public notice about the ADA.² There are three main considerations for providing notice:

1. Who is the target audience for the ADA notice?
2. What information shall the notice include?
3. Where and how should the notice be provided?

Regardless of Size, the ADA Notice Requirement Applies

The ADA notice requirement applies to ALL state and local governments covered by title II, even localities with fewer than 50 employees.

1. Who is the target audience for the ADA notice?

The target audience for public notice includes applicants, beneficiaries, and other people interested in the state or local government's programs, activities, or services. **The audience is expansive, and includes everyone who interacts - or would potentially interact - with the state or local government.**

Examples of the Target Audience for the ADA Notice

- a recipient of social services, food stamps, or financial assistance provided by the state or local government
- an applicant for a public library card
- a public transit user
- a person who uses the county recreation center
- a grandmother attending her grandchild's high school graduation in a city park
- a member of a citizen's advisory committee
- a recipient of a grant from the state or local government
- a citizen who wants to participate in a town council meeting
- a person adopting a dog from the local public animal shelter

²28 C.F.R. § 35.106.

2. What information shall the notice include?

The notice is required to include relevant information regarding Title II of the ADA, and how it applies to the programs, services, and activities of the public entity.

The notice should not be overwhelming. **An effective notice states the basics of what the ADA requires of the state or local government without being too lengthy, legalistic, or complicated. It should include the name and contact information of the ADA Coordinator.**

This chapter contains a model "Notice Under the Americans with Disabilities Act" created by the Department of Justice. It is a one page document in a standard font, and includes brief statements about:

- employment,
- effective communication,
- making reasonable modifications to policies and programs,
- not placing surcharges on modifications or auxiliary aids and services, and
- filing complaints.

The model notice is included at the end of this chapter.

3. How and where should the notice be provided?

It is the obligation of the head of the public entity to determine the most effective way of providing notice to the public about their rights and the public entity's responsibilities under the ADA.

Publishing and publicizing the ADA notice is not a one-time requirement. State and local governments should provide the information on an ongoing basis, whenever necessary. If you use the radio, newspaper, television, or mailings, re-publish and re-broadcast the notice periodically.

The information must be presented so that it is accessible to all. Therefore, it must be available in *alternative formats*.

Some Ways to Provide Notice to Interested Persons

- Include the notice **with job applications**
- Publish the notice periodically in **local newspapers**
- Broadcast the notice in public service announcements on **local radio and television stations**
- Publish the notice on the government entity's **website** (ensure that the website is accessible)
- Post the notice **at all facilities**
- Include the notice in **program handbooks**
- Include the notice in **activity schedules**
- Announce the notice at **meetings** of programs, services, and activities
- Publish the notice as a **legal notice** in local newspapers
- Post the notice in bus shelters or other **public transit stops**

Examples of Alternative Formats

- Audio tape or other recordings
- Radio announcements
- Large print notice
- Braille notice
- Use of a **qualified sign language interpreter** at meetings
- Open or closed-captioned public service announcements on television
- ASCII, HTML, or word processing format on a computer diskette or CD
- HTML format on an accessible website
- Advertisements in publications **with large print versions**

C. Establishing and Publishing Grievance Procedures

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA.³ Grievance procedures set out a system for resolving complaints of disability discrimination in a prompt and fair manner.

Neither Title II nor its implementing regulations describe what ADA grievance procedures must include. However, the Department of Justice has developed a model grievance procedure that is included at the end of this chapter.

The grievance procedure should include:

- a description of how and where a complaint under Title II may be filed with the government entity;
- if a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative;
- a description of the time frames and processes to be followed by the complainant and the government entity;
- information on how to appeal an adverse decision; and
- a statement of how long complaint files will be retained.

Once a state or local government establishes a grievance procedure under the ADA, it should be distributed to all agency heads. Post copies in public spaces of public building and on the government's website. Update the procedure and the contact information as necessary.

In addition, the procedure must be available in alternative formats so that it is accessible to all people with disabilities.

³28 C.F.R. § 35.107(b).

**Common Question:
Complaint Filing**

If a person with a disability has a complaint about a public entity, is she or he required to file a complaint with the public entity before filing a complaint with the federal government?

No, the law does not require people who want to file an ADA complaint against a public entity with the federal government to file a complaint with the public entity first. However, it is often more efficient to resolve local problems at a local level.

D. Summing up: ADA Coordinator, Notice, and Grievance Procedures

If a state or local government has fewer than 50 employees, it is required to:

- adopt and distribute a public notice about the relevant provisions of the ADA to all people who may be interested in its programs, activities, and services.

If a state or local government has 50 employees or more, it is required to:

- adopt and distribute a public notice about the relevant provisions of the ADA to all persons who may be interested in its programs, activities, and services;
- designate at least one employee responsible for coordinating compliance with the ADA and investigating ADA complaints; and
- develop and publish grievance procedures to provide fair and prompt resolution of complaints under Title II of the ADA at the local level.

These administrative requirements help ensure that the needs of people with disabilities are addressed in the programs, activities, and services operated by a public entity. Having these requirements in place will not prevent all problems, but it will help you to address many questions and problems efficiently.



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), **[name of public entity]** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: **[Name of public entity]** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: **[Name of public entity]** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the **[name of public entity's]** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: **[Name of public entity]** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **[name of public entity]** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **[name of public entity]**, should contact the office of **[name and contact information for ADA Coordinator]** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require **[name of public entity]** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of **[name of public entity]** is not accessible to persons with disabilities should be directed to **[name and contact information for ADA Coordinator]**.

[Name of public entity] will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

[Name of public entity]
Grievance Procedure Under
The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the ***[name of public entity]***. The ***[e.g., State, City, County, Town]'s*** Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

[Insert ADA Coordinator's name]
ADA Coordinator [and other title if appropriate]
[Insert ADA Coordinator's mailing address]

Within 15 calendar days after receipt of the complaint, ***[ADA Coordinator's name]*** or ***[his/her]*** designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ***[ADA Coordinator's name]*** or ***[his/her]*** designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the ***[name of public entity]*** and offer options for substantive resolution of the complaint.

If the response by ***[name of ADA coordinator]*** or ***[his/her]*** designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ***[City Manager/ County Commissioner, or other appropriate high-level official]*** or ***[his/her]*** designee.

Within 15 calendar days after receipt of the appeal, the ***[City Manager/ County Commissioner/ other appropriate high-level official]*** or ***[his/her]*** designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ***[City Manager/ County Commissioner/ other appropriate high-level official]*** or ***[his/her]*** designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by ***[name of ADA coordinator] or [his/her]*** designee, appeals to the ***[City Manager/ County Commissioner/other appropriate high-level official] or [his/her]*** designee, and responses from these two offices will be retained by the ***[public entity]*** for at least three years.

DRAFT

Emergency Telephone Services

Emergency telephone services is important to be aware of and be prepared for. Figuring this out after the fact can be detrimental. This questionnaire is used to know how familiar the staff is with the necessary equipment, and training of staff in managing emergency calls with individuals with disabilities. The answers to these questions are outlined below:

Q1. Does the department or division receive or answer emergency telephone calls?		
Answer Choices	Response Percent	Responses
Yes	43.75%	7
No	50.0%	8
I don't know	6.25%	1
	Answered	16
	Skipped	0

Q2. Which emergency number does the department/division utilize?	
Answered	6
Skipped	10
Answers:	
	911 or business line is 645-4040
	916-645-4040
	911
	911
	Construction emergencies; water/sewer lines hit.

Q3. Are emergency phone calls directly routed to the department/division through 9-1-1 services?		
Answer Choices	Response Percent	Responses
Yes	66.67%	4
No	33.33%	2
I don't know	0.0%	0
	Answered	6
	Skipped	10

Q5. Are staff trained to receive or answer emergency telephone calls?		
Answer Choices	Response Percent	Responses
Yes	60.0%	3
No	40.0%	2
I don't know	0.0%	0
	Answered	5
	Skipped	11

Q6. Who answers the emergency telephone calls? (Please identify)	
Answered	5
Skipped	11
Answers:	
	Dispatchers
	Dispatchers
	LPD
	Anyone who picks up the Public Services Main Line - this can include: Angela Frost, Carol Kopp, Jason Duckworth, or Carolyn Davis
	Dispatch

Q7. Are emergency phone calls intercepted and relayed to a third party?		
Answer Choices	Response Percent	Responses
Yes	40.0%	2
No	20.0%	1
Some	20.0%	1
I don't know	20.0%	1
	Answered	5
	Skipped	11

Q8. Please indicate which emergency service program phone calls are intercepted by the department's PSAP. (Select all that apply)		
Answer Choices	Response Percent	Responses
Ambulatory services	75.0%	3
Fire Department	25.0%	1
Police Department	25.0%	1
Other (please specify)	50.0%	2
	Answered	4
	Skipped	12

Q9. Are TTY services provided?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	16.67%	1
I don't know	83.33%	5
	Answered	6
	Skipped	10

Q10. Is the TTY number listed with the alternate emergency number provided by the agency?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q11. Is the response time of telephone emergency services provided for TTY users equal to the response time of the services provided by others?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q12. Does the response quality of the telephone emergency services provided for TTY users equal to the response quality of the services provided to others?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q13. Are the hours of operation of telephone emergency services provided for TTY users equal to the hours of operation of the services provided to others?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q14. Please provide the hours of operation.

Answered	0
Skipped	16

Q15. Please provide the hours of operation for accessible service(s) such as TTY

Answered	0
Skipped	16

Q16. Is the TTY services available in Boudot format?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q17. Are staff familiar with TTY services?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q18. Does the department or division's PSAP have the capability to immediately switch to TTY mode?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q19. Do call takers have the capability to switch back and forth easily from TTY mode to voice mode during the same call?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q20. Do those receiving emergency telephone calls know how to transfer TTY calls?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q21. Has training been provided to instruct staff on how to recognize a TTY call?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q22. How often has the training been provided?		
Answer Choices	Response Percent	Responses
At orientation	0.0%	0
Every 6 months	0.0%	0
Every year	0.0%	0
Every 2 years	0.0%	0
Other (please specify)	0.0%	0
	Answered	0
	Skipped	16

Q23. Do emergency call takers respond to a silent, open line call by probing the line with a TTY?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q24. Do all emergency call-taking positions have TTY or TTY-compatible equipment?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Q25. Does the emergency phone call equipment have advance features such as automatic number identification?		
Answer Choices	Response Percent	Responses
Yes	66.67%	4
No	16.67%	1
I don't know	16.67%	1
	Answered	6
	Skipped	10

Q26. Is this feature available for TTY calls?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	4
	Answered	4
	Skipped	12

Q27. Does the emergency phone call equipment have advance features such as automatic location identification?		
Answer Choices	Response Percent	Responses
Yes	50.0%	3
No	33.33%	2
I don't know	16.67%	1
	Answered	6
	Skipped	10

Q28. Is this feature available for TTY calls?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	2
	Answered	2
	Skipped	14

Q29. Does the emergency phone call equipment have automatic call distribution?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	11

Q30. Is this feature available for TTY calls?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	11

Q31. Does the department or division implement equipment maintenance on all emergency accessibility equipment, including but not limited to any TTY equipment?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	11

Q32. Please provide the policy/procedure for the equipment maintenance on all emergency equipment.

Answered	2
Skipped	14
Answers:	
	I don't know
	I don't know

Q33. How often is maintenance performed on all emergency accessibility telephone services?

Answer Choices	Response Percent	Responses
Every 6 months	0.0%	0
Every year	0.0%	0
Every 2 years	0.0%	0
I don't know	100.0%	5
Other (please specify)	0.0%	0
	Answered	5
	Skipped	11

Q34. Is all TTY equipment maintained as frequently as the voice equipment?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	11

Q35. Does the department/division have policies in place to ensure that tests of the equipment are performed on a regular and continual basis?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	11

Q36. Does the testing include test calls that consist of silent, open line calls in which no tones are emitted?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	11

Q37. Does the testing include test calls that consist of a caller introducing themselves by transmitting TTY tones?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	11

Q38. Are tests of the TTY service/equipment announced?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	20.0%	1
I don't know	80.0%	4
	Answered	5
	Skipped	11

Q39. Please indicate which of the following items the department maintains upon completion of any testing to TTY service or equipment. (Select all that apply)		
Answer Choices	Response Percent	Responses
Date/time of call	33.33%	1
Identification of call taker	33.33%	1
Silent or transmitted tones	0.0%	0
TTY response and content	0.0%	0
Time elapsed	33.33%	1
Number of rings form the initiation of the TTY call	0.0%	0
Results of how the call was processed and according to PSAP procedures	0.0%	0
Other (please specify)	66.67%	2
Answers:	I really don't know anything about TTY	Answered 3
	This is not applicable.	Skipped 13

Q40. How long are the test results maintained once prepared?	
Answered	4
Skipped	12
Answers:	
	I don't know
	I don't know
	I'm not sure
	N/A

Q41. Is there back-up equipment available to use in case there is an equipment malfunction?		
Answer Choices	Response Percent	Responses
Yes	20.0%	1
No	0.0%	0
I don't know	80.0%	4
	Answered	5
	Skipped	11

Q42. Does the back-up equipment provide TTY functions?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	11

Q43. Were staff trained on where to find and how to use the back-up equipment?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	40.0%	2
I don't know	60.0%	3
	Answered	5
	Skipped	11

Q44. Does the department or division offer departmental trainings to be conducted for any individual that acts as a PSAP or emergency operator?		
Answer Choices	Response Percent	Responses
Yes	25.0%	1
No	0.0%	0
I don't know	75.0%	3
	Answered	4
	Skipped	12

Q45. Do the policies include provision to ensure that training for TTY services be conducted as frequently as trainings for all voice calls?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	100.0%	5
	Answered	5
	Skipped	11

Q46. Does the department/division stay apprised of upcoming telecommunications equipment?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	20.0%	1
I don't know	80.0%	4
	Answered	5
	Skipped	11

Q47. How does the department/division stay apprised of new technology?	
Answered	0
Skipped	16

Q48. Is the information on new technology incorporated into the trainings?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	16

Analysis

After reviewing the responses to the questionnaires, it is determined that the City does not have TTY services available for emergency telephone calls. According to the regulations **28CFR§ 35.162 (Telephone Emergency Services)** - *Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDD's and computer modems.*

Beyond having TTY available the DOJ has provided a lot of secondary information on how that will need to be integrated for Public Safety Answering Points (PSAPs). It is expected that PSAPs must directly receive TTY calls without relying on an outside relay service or third-party services.

The DOJ, via ADA.gov has provided information to instruct the State and Local agency on:

- What types of emergency communications services are covered?
- How does a TTY work?
- What are voice carryover and hearing carryover?
- How must a call taker handle silent, open line calls?
- What training should call takers receive?
- How are technological changes affecting the way deaf people communicate, and what impact does this have on emergency communication services?
- How can direct emergency communications services be provided to individuals with hearing disabilities who do not have TTYs?

It is important that each PSAP call taker is fully trained in how to use this equipment. This will allow them to effectively recognize and process TTY calls. The ADA does not specify how call takers should be trained. But the Department of Justice believes that the following are essential for proper training:

- Training should be mandatory for all personnel who may have contact with individuals from the public who have hearing or speech disabilities.
- PSAPs should require or offer a refresher training at least as often as they require or offer training for voice calls, but at a minimum, every six months.

Additionally, it is imperative that the equipment be tested to ensure that the equipment functions properly and whether personnel have been adequately trained to handle TTY calls correctly.

It is recommended that the City not only obtain the necessary TTY equipment, but also ensure all call takers are properly trained in how to use and recognize a TTY call. It is also recommended that the City follow the testing requirements outlined in the Chapter 4 Tool Kit re: 9-1-1 and Emergency Communications Services attached below.

Chapter 4

9-1-1 and Emergency Communications Services

In this chapter you will learn the basics about what the ADA requires for 9-1-1 and other emergency communications services operated by or for state or local governments. It answers questions including:

- What types of emergency communications services are covered?
- How does a TTY work?
- What are voice carryover and hearing carryover?
- How must a call taker handle silent, open line calls?
- What training should call takers receive?
- How are technological changes affecting the way deaf people communicate, and what impact does this have on emergency communication services?
- How can direct emergency communications services be provided to individuals with hearing disabilities who do not have TTYs?

A. What are the ADA's Requirements for Emergency Communications Systems?

The ADA requires that all Public Safety Answering Points (PSAPs) provide direct and equal access to their services for people with disabilities who use teletypewriters (TTYs).¹

¹ Department of Justice Nondiscrimination on the Basis of State and Local Government Services Regulations, 28 C.F.R. Part 35, § 35.162 (2005). See www.ada.gov/reg2.htm for the complete text of 28 C.F.R. Part 35.

1. What does direct and equal access mean?

"Direct access" means that PSAPs must directly receive TTY calls without relying on an outside relay service or third-party services.

"Equal access" means that the telephone emergency services provided for TTY users are as effective as those provided for people who make voice calls. Access must be equal in terms of:

- response time;
- response quality;
- hours of operation; and
- all other features offered (e.g., automatic number identification, automatic location identification, automatic call distribution).

2. Types of Telephone Emergency Services Covered

All basic emergency services provided by public safety agencies are covered, including police, fire, and ambulance services. Direct, equal access must be provided to all services included in the system. An example of another emergency service covered is an emergency poison control information service.

Some emergency communications services use a two-tiered system to dispatch services. In these situations, a primary PSAP is the initial 9-1-1 answering point. It transfers calls to secondary PSAPs, such as fire or emergency medical services. In those transfer situations, PSAPs must understand how to correctly transfer TTY calls. Secondary PSAPs have the same responsibilities under the ADA as do primary PSAPs. They must be able to receive transferred TTY calls as efficiently and effectively as voice calls.

B. How Does a TTY Work?

Before further discussion of the requirements for emergency communications services under Title II of the ADA, let's do a quick review of how TTYs work. This information is important in order to understand this chapter's discussion of equipment.

A TTY is a device that is used with a telephone to communicate with persons with hearing disabilities or speech disabilities. To communicate by TTY, a person types his or her conversation, which is then read on a TTY display or a computer display by the person who receives the call. Both parties must have a TTY or a computer with a TTY modem and related software to communicate. The computer equipment must be compatible with the code used by TTYs and capable of translating between the TTY code and the computer code.

Most TTY devices transmit the information typed through the telephone line in an electronic code called Baudot. When it reaches the receiving TTY, the code is translated back to characters. Computers with TTY modems generally operate in American Standard Code for Information Interexchange (ASCII), an electronic "language." Thus, computers must have an ASCII/Baudot modem and related software in order to translate Baudot sent from TTYs.

9-1-1 or another number?

9-1-1 is a universal emergency number, but it may not be the number used in your area. If your locality has emergency communications services but uses different emergency numbers, such as a seven-digit number, you are still required to comply with Title II's requirements for emergency communications.

The only real difference is the options for TTY users. **Localities that use 9-1-1 are prohibited from requiring TTY users to call a different number.²** However, entities that do not use 9-1-1 may have a separate line for TTY users. If a separate line is used, access must be as direct as and equal to access for voice callers. Wherever the emergency numbers are listed, the TTY number must be listed as prominently as the voice number.

² See Department of Justice Americans with Disabilities Act Title II Technical Assistance Manual 11 - 7.300 (1993). See www.ada.gov/taman2.html for the text of the Technical Assistance Manual.

Baudot Format

I heard that there is more than one type of TTY code. Does Title II require that telephone emergency service systems be compatible with all codes used for TTY communications?

No. Currently, telephone emergency services must only be compatible with Baudot format.

When a standard TTY is used, communications can only occur in one direction at a time. In other words, the two people involved in the conversation must take turns sending and receiving. A person sending a communication by TTY indicates that he or she has finished transmitting by typing the letters "GA," which stand for "go ahead."

How do you know when it's a TTY call?

- Some TTYs emit a recorded spoken announcement to the call taker that a TTY call is being received. For example, the announcement may state: "HEARING IMPAIRED CALLER. USE TTY."
- TTY callers may press TTY keys to emit audible tones and more quickly notify the call taker that a TTY call is being placed.
- You may not know you have a TTY call unless you query the line with a TTY. Often, the TTY call will be perceived by the call taker as a silent, open line call. This is because the caller's equipment does not recognize that the call has been answered until the call taker sends a TTY response.

A History of Hang-ups

Historically, many people who used TTYs have not had confidence in the accessibility of emergency communications services. Silent, open lines have commonly been treated as hang-ups even though silence may indicate there is a TTY caller on the line. The number of TTY calls each PSAP receives may increase over time because the ADA is making 9-1-1 and other emergency services more accessible to people who use TTYs.

C. Equipment and Features to Provide Direct and Equal Access to Emergency Communications Services

Now that you have a basic understanding of how TTY communications work, let's look at how Title II of the ADA's requirements translate to what PSAPs need to do. Remember, PSAPs must provide direct and equal access to emergency communications services for people who use TTYs.

1. Number of TTYs

In order to provide equal access to TTY users, every call-taking position within the PSAP must have its own TTY or TTY-compatible equipment.³

PSAPs must have systems that enable call takers to handle TTY calls as properly, promptly, and reliably as voice calls.

Why must every call-taking position have its own TTY or TTY-compatible equipment? To give TTY users equal access to emergency call services. Experience has shown that:

- With TTY or TTY-compatible equipment at each call-taking position, call takers can handle TTY calls as effectively as voice calls.
- Call takers at PSAPs that have only one TTY have significant difficulties handling TTY calls as quickly as voice calls.
- Sharing a TTY among several call takers may result in undue delay in obtaining the TTY and connecting it to the answering position.
- Transferring a TTY call from a non-TTY capable answering position to a TTY-dedicated position may result in the call being disconnected or undue delay in answering the call. In some cases, transfers may result in the loss of enhanced features, such as automatic number identification and automatic location identification information.
- Each call taker needs to query every silent, open line as a potential TTY call. Because most PSAPs receive many silent, open line calls, often more than one at a time, each call taker must have his or her own TTY equipment to be able to query all of those calls with a TTY.

³ 28 C.F.R. §§ 35.130 , 35.160 - 35.162 .

2. Automatic Identification Features

Many PSAPs have equipment with advanced features that facilitate quicker responses to callers. For example, many have automatic number identification (ANI) and automatic location identification (ALI). These features automatically tell the call taker the phone number and address from which a call originates.

If your area's emergency service provider has these features, you must ensure that TTY calls have the same access as voice calls to such enhanced features whenever feasible. Such features are currently available for TTY calls placed using traditional TTY hook -ups to standard telephone lines. Emergency service providers need to stay current with changing technology to ensure that equal access and services are provided to TTY callers relying on newer technologies when they become available.

TTY calls may not simply be transferred to a third line to get this information because transfers often result in the loss of the automatic phone number and address information.

3. Automatic Call Distribution (ACD)

Another feature employed by PSAPs is automatic call distribution (ACD). ACD places incoming calls into a queue, sends out a programmed message to callers to let them know that their calls have been received, and distributes calls to the next available call taker. This feature, if offered, must also be accessible for TTY calls. For TTY callers transferred to a queue using ACD, there must be a programmed TTY message providing the same information that other callers receive.

4. Switching Between Voice Mode and TTY Mode

All call takers must have the capability to switch back and forth easily from TTY mode to voice mode during the same call. This is especially necessary for silent calls because it allows the call taker to first query the line by voice and then quickly switch to query the line by TTY.

5. Voice Carryover and Hearing Carryover

Voice carryover (VCO) is a communication hybrid of TTY and voice. With VCO, a person with hearing loss can speak directly to the call taker and read the response that is typed back.

Hearing carryover (HCO) allows a TTY user to type words on the TTY and hear call takers' spoken responses through the handset.

Having equipment that can switch back and forth between voice mode and TTY mode is also necessary for VCO and HCO. These types of communication can shorten the length of calls that would otherwise be conducted exclusively by typing.

Both of these types of communication can be accomplished using stand-alone TTY equipment and alternating between speaking into the handset and placing the handset in the TTY when the caller (HCO) or call taker (VCO) types a response.

Who uses VCO and HCO?

VCO (voice carryover) is often used by persons who become deaf or hard of hearing later in life and prefer to speak instead of type.

HCO (hearing carryover) is often used by persons who are not deaf or hard of hearing but have speech disabilities.

6. Maintenance and Back-up of TTY Equipment

The ADA regulation contains a specific provision requiring that covered entities maintain their accessible features and equipment in operable working condition.⁴ To comply with this regulation, PSAPs must implement procedures for maintenance and back-up capability for TTY equipment that are equally effective as the procedures for maintenance and back-up capability provided for voice telephone equipment. For example, TTY equipment must be maintained and tested as often as voice equipment to ensure that it is working properly.

If a PSAP has a plan for back-up equipment in case some of its equipment malfunctions, the telephone lines malfunction, or there is a power failure, the plan must provide for TTY calls and equipment. For instance, PSAPs should keep extra TTY equipment on hand, in case primary equipment fails, if they have back-up voice telephone equipment for such a situation.

⁴ 28 C.F.R. § 35.133 .

7. Training Call Takers to Respond Effectively to TTY Calls

PSAPs should train their call takers to effectively recognize and process TTY calls. Providing appropriate equipment is only as effective as your staff training.

The ADA does not specify how call takers should be trained. But the Department of Justice believes that the following are essential for proper training:

- Training should be mandatory for all personnel who may have contact with individuals from the public who have hearing or speech disabilities.
- PSAPs should require or offer a refresher training at least as often as they require or offer training for voice calls, but at a minimum, every six months.

The checklist included with this chapter has additional information about what should be included in a comprehensive training program. You should use this checklist to assess your current training program for emergency call services, policies and procedures, and testing program.

Some Helpful TTY Abbreviations

GA:	go ahead, your turn to talk
GA or SK:	go ahead, or goodbye, or stop keying
SKSK:	stop keying, end of conversation
U:	you
UR:	your
R:	are
TMW:	tomorrow
XXXX:	error, erase
ASAP:	as soon as possible
CD or CLD:	could
SHD:	should
HD or HLD:	hold, please
MSG:	message
NBR or NU:	number
PLS:	please
Q or QQ:	question mark
VCO:	(voice carryover) TTY user will use his/her voice during call
HCO:	(hearing carryover) TTY user will use his/her hearing during call
TTY:	teletypewriter

8. Testing to Ensure Direct, Equal Access

Frequent testing is essential to ensure direct, equal access to emergency communications services. The best way to test is to implement an internal testing program. The goal of these tests is to determine whether TTY equipment functions properly and whether personnel have been adequately trained to handle TTY calls correctly.

Include these steps in your testing:

- Conduct two types of test calls: silent, open line calls in which no tones are emitted, and calls in which the caller introduces the call by transmitting TTY tones. These tests should be unannounced, and should cover each call taker and each position.
- Keep records of the results of all test calls. Include, at a minimum, the date and time of each test call; the identification of the call taker and the call-taking position; whether each call was silent or transmitted tones; whether the caller received a TTY response and the content of the TTY response; the time elapsed and the number of rings from the initiation of the TTY call until the call taker responded by TTY; and whether the call was processed according to the PSAP's standard operating procedures.

D. Beyond TTYs: Providing 9-1-1 and Emergency Services Via New Communication Technologies

Some people who have hearing disabilities do not have access to TTYs. This is becoming more and more the case as people who are deaf, just like people in general, communicate using the internet and other relatively new technologies. Because of these advances in communication technology, some deaf people and people with speech disabilities no longer have TTYs in their homes and rely instead on instant messaging, text messaging, email, or the video communication features of computers.

State and local governments are responsible under Title II of the ADA for providing effective communication and equal access to 9-1-1 and other emergency services.⁵ To achieve effective communication, access to 9-1-1 services should be made available, when feasible, to people with hearing and speech disabilities who use communication technologies other than standard

⁵ 28 C.F.R. § 35.160 , 35 .162.

telephones or TTYs, such as personal digital assistants (PDAs) or other wireless technologies.

As with TTYs, features and options provided to telephone callers should be provided to individuals communicating via new technologies when feasible. For example, if automatic location identification features enable PSAPs to determine the location of callers, this feature should be effectively employed for new communication technologies when feasible to do so. Similarly, if automatic call distribution features put 9-1-1 telephone calls into a queue, send out messages to callers letting them know that their calls have been received, and distribute calls to the next available call taker, then PSAPs need to provide such features to emergency messages sent from new communication technologies when it is technically feasible to do so.

Stay informed about emerging communication technologies as well as the technical abilities of telecommunications equipment and service providers. Meet with members of your community who are deaf, hard-of-hearing, or who have speech disabilities to learn what technologies are available in their homes and elsewhere when emergency assistance is needed. Find out about strategies that other emergency communications services are using to provide effective communications to people with hearing and speech disabilities who do not have TTYs. Train PSAP personnel frequently (at least every six months) and update the training as necessary. Finally, use the checklist included in this chapter to determine if your emergency communications service is providing effective communication as required by Title II of the ADA.

Program Access

The staff members responded to this questionnaire to ensure that every member is aware of and practicing the principals for program access by making reasonable modifications to the rules, policies, and procedures to avoid discriminating against individuals with disabilities. Their responses to the questionnaire is outlined below:

Q1. Does the department/division provide a program or activity that is to be used by the public?		
Answer Choices	Response Percent	Responses
Yes	58.33%	7
No	41.67%	5
	Answered	12
	Skipped	0

Q2. Does the department/division have a policy in place to ensure that its programs or activities are to be set in the most integrated setting possible?		
Answer Choices	Response Percent	Responses
Yes	71.43%	5
No	0.0%	0
I don't know	28.57%	2
	Answered	7
	Skipped	5

Q3. Does the department provide programs or activities specifically geared towards individuals with disabilities?		
Answer Choices	Response Percent	Responses
Yes	14.29%	1
No	57.14%	4
I don't know	28.57%	2
	Answered	7
	Skipped	5

Q4. Does the department/division require that individuals with disabilities be forced to follow the program geared towards their disability?		
Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	100.0%	1
I don't know	0.0%	0
	Answered	1
	Skipped	11

Q5. If an individual requests to participate in the regular "mainstream" program or activity, does the department/division have a policy in place to integrate the individual to the greatest extent possible?

Answer Choices	Response Percent	Responses
Yes	57.14%	4
No	0.0%	0
I don't know	42.86%	3
	Answered	7
	Skipped	5

Q6. If modifications are made to the program or activity, does the department/division require a participant to pay additional fees or surcharges in excess of the regular price for any modifications?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	85.71%	6
I don't know	14.29%	1
	Answered	7
	Skipped	5

Q7. Does the department or division have any programs for which individuals with disabilities are denied access?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	71.43%	5
I don't know	28.57%	2
	Answered	7
	Skipped	5

Q8. If yes, has an individual been excluded due to safety reasons?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
Other (please specify)	0.0%	0
	Answered	0
	Skipped	12

Q9. When excluding an individual from a service or program due to safety reasons, does the department/division have a policy that outlines safety criteria that may exclude an individual from a service or program?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	12

Q10. Does this policy require that another individual review the eligibility criteria to eliminate any potential bias?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	12

Q11. Does the department/division have a policy in place that prohibits staff or volunteers from making inquiries of individuals regarding their disabilities?

Answer Choices	Response Percent	Responses
Yes	28.57%	2
No	42.86%	3
I don't know	28.57%	2
	Answered	7
	Skipped	5

Q12. If an individual requests a modification to a department/division program or activity, is there a policy in place that outlines how an individual would make this request?

Answer Choices	Response Percent	Responses
Yes	28.57%	2
No	28.57%	2
I don't know	42.86%	3
	Answered	7
	Skipped	5

Q13. Does the department/division provide individuals with any type of licensing or certification?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	28.57%	2
I don't know	71.43%	5
	Answered	7
	Skipped	5

Q14. Is there a policy in place that ensures an individual is not discriminated on when applying for or receiving credentials for said license or certification?

Answer Choices	Response Percent	Responses
Yes	0.0%	0
No	0.0%	0
I don't know	0.0%	0
	Answered	0
	Skipped	12

Q15. Does the department/division have a policy that ensures that any companion or associate of an individual with a disability is also not discriminated upon.

Answer Choices	Response Percent	Responses
Yes	16.67%	1
No	16.67%	1
I don't know	66.67%	4
	Answered	6
	Skipped	6

Q16. Does the department/division have a policy in place to ensure that all of its accessibility features remain accessible, i.e. elevators, escalators, accessible hallways, and doorways, etc.

Answer Choices	Response Percent	Responses
Yes	50.0%	3
No	16.67%	1
I don't know	33.33%	2
	Answered	6
	Skipped	6

Q17. Does the department/division have policies in place to make necessary modifications to ensure a program/activity remains accessible? (for example moving a town hall meeting to an accessible building upon request)		
Answer Choices	Response Percent	Responses
Yes	50.0%	3
No	16.67%	1
I don't know	33.33%	2
	Answered	6
	Skipped	6

Analysis

According to **the Technical Assistance Manual II-3.6100 (General)**- *A public entity must reasonably modify its policies, practices, or procedures to avoid discrimination. If the public entity can demonstrate, however, that the modifications would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification.* Additionally, the ADA Tool Kit located on ADA.gov states: *Requiring a driver's license as proof of identity is a policy that would be discriminatory since there are individuals whose disability makes it impossible for them to obtain a driver's license. In that case it would be a reasonable modification to accept another type of government-issued I.D. card as proof of identification.*

Examples of Reasonable Modifications

- Granting a zoning variance to allow a ramp to be built inside a set-back.
- Permitting a personal attendant to help a person with a disability to use a public restroom designated for the opposite gender.
- Permitting a service animal in a place where animals are typically not allowed, such as a cafeteria or a courtroom.

Are there times when a modification to rules, policies and procedures would not be required? Yes, when providing the modification would fundamentally alter the nature of the program, service, or activity.

A fundamental alteration is a change to such a degree that the original program, service, or activity is no longer the same. For example, a city sponsors college-level classes that may be used toward a college degree. To be eligible to enroll, an individual must have either a high school diploma or a General Educational Development certificate ("G.E.D"). If someone lacks a diploma or G.E.D. because of a cognitive disability, would the city have to modify the policy of requiring a high school diploma or G.E.D.? Probably not. Modifying the rule would change the class from college level to something less than college level and would fundamentally alter the original nature of the class.

As an agency that provides various programs to the public it is imperative that each program is run to ensure that all individuals are able to participate as best they can. So long as the City is maintaining that principal in all its programs and services, the goal for inclusion shall be met.